

R I G H T

And M I G H T well met.

OR,

A brieſe and unpartiall enquiry
into the late and preſent proceedings
of the Army under the Command of His
EXCELLENCY the LORD

F A I R F A X.

Wherein the equity and regularneſſe of the ſaid
proceedings are demonſtratively vindicated up-
on undeniable Principles, as well of Rea-
ſon, as R E L I G I O N.

TO G E T H E R

With ſatisfactory Answers to all materiall Ob-
jections againſt them.

By JOHN GOODWIN.

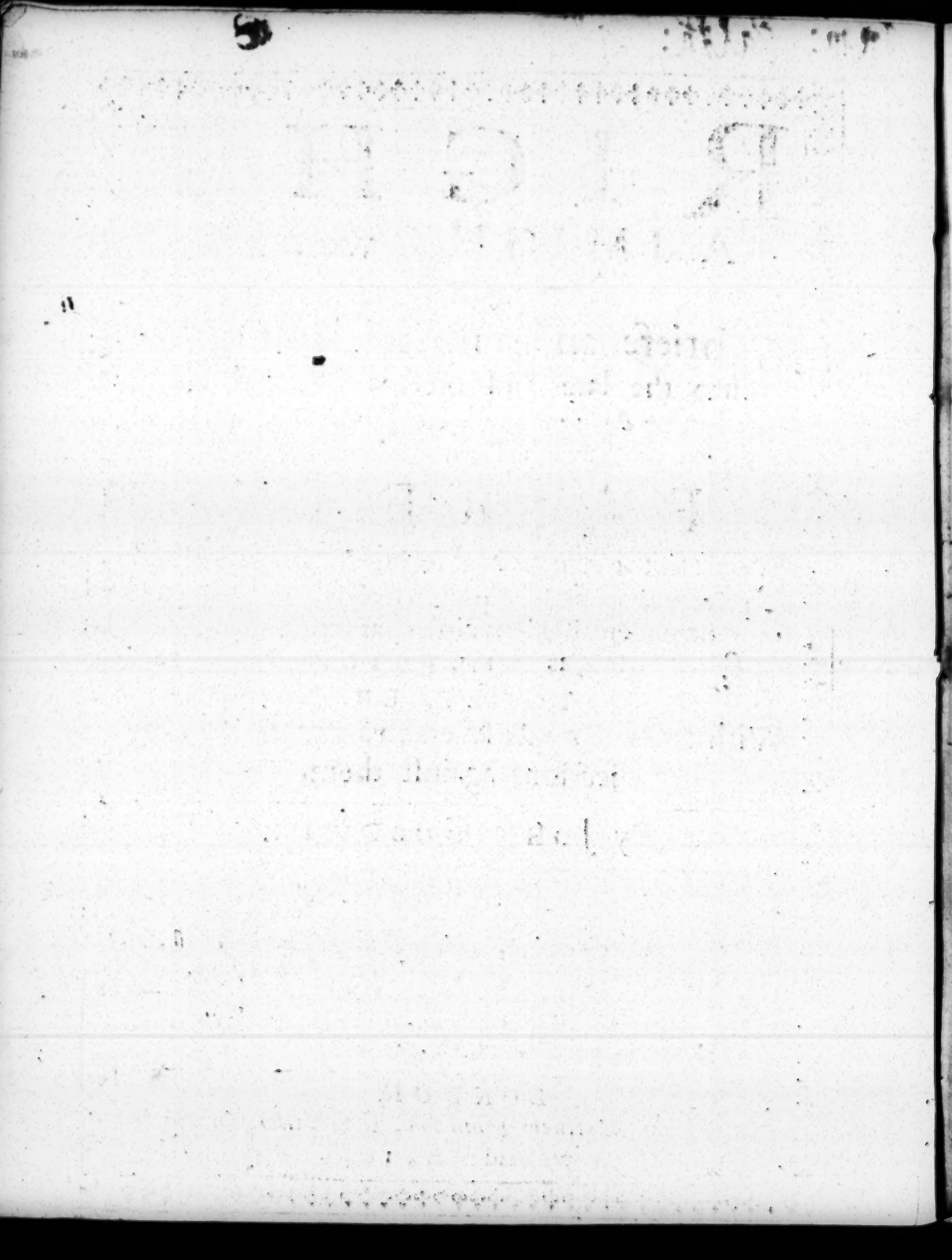
*Judge not according to the appearance, but judge righteous judge-
ment, John 7. 24.*

*He that juſtifieth the wicked, and hee that condemneth the juſt, e-
ven they both are abomination unto the Lord, Prov. 17. 15.*

*Plus togæ læſere Rem-publicam, quàm lorice. Terent.
Necellitas, quæ cogit, excuſat. Sen.*

L O N D O N;

Printed by Matthew Simmons, for Henry Cripps in
Popes-head Alley, 1648.





TO HIS
EXCELLENCY
THE LORD
FAIRFAX,
And his Honourable Councell at
Warres.



make no question but your EXCELLENCY,
and Honourable Councell; have, without putting
any stumbling-block of iniquity before your faces, con-
sulted all Oracles of Conscience & Honour, about your
present, and late proceedings, before you lifted up an
hand unto them. The cleernesse and integritie of your
hearts herein, cannot (I presume) but laugh to scorne

all the hard sayings, and clamorous imputations of men, whom not the
knowledge of Truth, but love to themselves, makes eloquent in claim-
ing against you. The imp: of your action standing in full conjuncti-
on with that great and publique Interest of the Kingdome, must needs
carry in it an opposition to the irregular and by interests of such men
who feare that they must scatter, if the Kingdome once begins to gather.
And it need not seem at all strange to you, that men of wit and parts
otherwise having the advance of such an antiperistastie, as the tenour of
your proceedings accommodates them with, should be able to misfigure the
liberall and ingenuous face of your actions into an absolute deformity.
There is no heart of Oake, or other timber, though never so sound, but
that a cunning Painter, especially under some particular elevation of
fancy for such a worke, will put into a colour of rottennesse, and make it
looke as if it were stark naught. That the glorious worke of casting
out

Facundum fa-
ciebat amor.

Grande dol-
oris ingenium
est.

The Epistle Dedicatory.

out Devils by the finger of God, was represented unto the people under the notion of as vile and hatefull an action, as lightly can be imagined; no better, then a working by Belz-bub the cheife of the Devils. But the best is, that they that speake evil of worthy actions, double their reward in heaven.

Lk. 16. 14. Hearing and observing the tongues of your enemies hard at worke on every side, in making your sweet things, bitter, your smooth things, rough, and your streight things, crooked, in the imaginations of men, I betooke my selfe to my Pen to Counter-worke them, what I may, by resolving your actions into their proper and cleere principles of righteousness and honour. If I had onely the reasons and judgments of men to encounter, I should not question a conquest by satisfaction; but when mens judgments are steeld with interest and affection, force of reason and dint of argument, prove (for the most part) but like arrowes shot against a wall of brasse. The Holy Ghost takes speciall notice, that the Pharisees, being covetous, derided our Saviour, notwithstanding his most heavenly and convincing Doctrine and discourse against that sin.

I make bold with your Names for countenance to these papers, and humbly present them unto your hand, not to informe you of the righteousness of your Actions (wherein I doubt not but you were satisfied from Heaven, before they were in being) but partly to obtaine the safer conduct for them to passe abroad, and partly to account with you for those respects of honour which are, and have bin long due unto you from

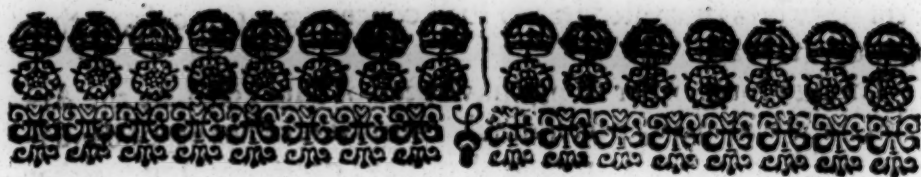
From my Study Jan. 1.

1648.

Your Faithful Servant in the Lord

JOHN GOODWIN.

Right



Right and might

Well mett.



That the children of prey, and men lately under hope of dividing the spoile of this miserable Kingdome, when it should be reduced under the iron rod of enslaving tyranny and oppression (betweene which sad condition, and it, there was now but a step) should rise up with passionate outcries, and be ready to curse the Armie

and their late proceedings, with bell, booke, and candle, is no matter of wonder, or much observation. But if the body of the people of the Land, or such who have no minde to be gratified with the sorrows or sighings of innocent men, should professe any dissatisfaction, or stand in conscience about the lawfulnessse or justnesse of such their engagements; it would argue, either first, that they alwayes lived not onely free from oppression, but from the fear of it also, & so never had occasion to enquire, either upon what grounds, and by what means, oppression imminent may lawfully be prevented, or incumbent, be shaken off and suppressed; or else, in case they have suffered under oppression, that they never saw any visible or probable meanes of deliverance, and so wanted an inviting opportunity to consider, whether these meanes might lawfully be improved in order to such an end, or no. For certainly the grounds and principles upon which the said proceedings of the Army stand cleare and justifiable, are no parables, no darke, or disputable notions, or conceptions, but such, wherein even *he that runneth, may read equity and truth*; and

which have been asserted for such, by grave, learned, and judicious men, who *neither lent, nor took upon usury*; I meane, who were no wayes interested in any such concernment, or case, as that now upon tryall.

Sett. 2.

Though some other things have been of late acted by the Armie, wherein many pretendingly complaine of want of conscience and justice; yet I suppose they have done nothing, either more obnoxious to the clamorous tongues and pens of their adversaries, or more questionable in the judgements and consciences of their friends, then that late garbling of the Parliament, wherein they sifted out much of the drosse and soile of that heap, intending to reduce this body, upon the regular motion whereof, the wel-being, indeed, the (civill) life of the whole Kingdome depends, to such members, who had not manifestly turn'd head upon their trust, nor given the right hand of fellowship to that most barbarous, inhumane, and bloody faction amongst us, who for many yeares last past have with restlessse endeavours procured the deepe trouble, and attempted the absolute enslaving, (which is, being interpreted, the utter undoing) of the Nation. So that if this action of theirs shall approve it selfe, and appear to be regular and conformable to such lawes, and rules of justice, which all considering and disingaged men conclude ought to be followed and observed in such cases, as that which lay before them; especially if it shall appeare to have been the legitimate issue of true worth and Christianity; I presume all their other actions of like tenor and import, will partake of the same justification, and honour, with it.

Sett. 3.

Let us first take into consideration the substance of such exceptions, which can with any pretence of reason, or colour of conscience be levyed against the lawfulnessse of it; Afterwards if it be needful, we will consider further, whether those that be with it, be not more, or at least more weighty and considerable, then those that are against it.

The first-born of the strength of those, who condemn the said act of the Armie, as unlawful, lyeth in this; that the Actors had no sufficient authority to doe what they did therein, but acted out of their sphere, and so became transgressors of that Law, which commandeth every man to keepe order, and within the compasse of his calling.

Right and Might well met.

3

To this I answer 1. as our Saviour saith, *that the Sabbath was made for man* (i. for the benefit of man) *and not man for the Sabbath*^a; so certain it is, that callings were made for men, and not men for callings. Therefore as the law of the *Sabbath*, though enacted by God, was of right, and according to the intention of the great Law-giver himselfe, to give place to the necessary accommodations of men, and ought not to be pleaded in bar hereunto; in like manner, if the law of callings at any time opposeth, or lyeth crosse to the necessary conveniences of men, during the time of this opposition, it suffereth a totall eclipse of the binding power of it. It is a common saying among the Jewish Doctors, *that perill of life drives away the Sabbath*; yea Master Ainsworth citeth this saying out of the *Hebrew Canons*: *Circumcision in the time thereof driveth away the Sabbath*; and afterwards, *that perill of life driveth away all*^b. So that as there were severall cases, wherein (as our Saviours expression, is) they *who polluted the Sabbath were blamelesse*^c; In like manner, there are very many cases, wherein men may transgresse the ordinary law of Callings, and yet be no transgressors. Therefore unlesse it can be proved, that the Armie had no necessity lying upon them to garble the Parliament as they did; their going beyond their ordinary callings to doe it, will no wayes impair the credit or legitimacy of the action.

Self. 4.

^a Mar. 2.
27.

*Periculum
vitæ pelli
Sabbatū.*

^b Gen. 17.

12, 13.

^c Mat. 12.

2. Nor did they stretch themselves beyond the line of their callings, to act therein as they did. Their calling and commission was, to act in the capacity of Souldiers for the peace, liberties, and safety of the Kingdome. What doth this import, but a calling to prevent, or suppress by force, all such persons and designs, whose faces were set to disturb, or destroy them? Nor did their Commission (I presume) limit or conclude their judgements to any particular kind of enemies, as if they had only power, or a calling thereby, to oppose or suppress, either such, who should confesse themselves enemies, or such, who by the interpretation or vote of any one party, or faction of men in the Kingdome, should be reputed and deemed enemies: but all such, without exception, whom they, upon competent grounds, and such, as upon which discreet men in ordinary cases are wont to frame acts of judgement, and to proceed to action accordingly, should judge and conclude to be enemies. Or if it shall

Self. 5.

shall be supposed, that by their Commission they were limited to judge onely those enemies to the Kingdome, with their abettors and supporters, who were in Armes with the King, or on the Kings behalfe against the Kingdome, in their Representatives; those Parliament-men, whom they have excluded from sitting in that house, having notoriously discovered themselves to be men of this engagement, friends and abettors of those, who very lately were, and yet in part are, in armes against the peace and safety of the Kingdome, in this consideration fall directly and clearely under their commission; and consequently, by warrant hereof, they have, and had a calling, to proceed against them as they did.

Señ. 6.

3. If the calling which the Parliament it selfe had to levy Forces against the King and his Party, to suppress them, and their proceedings, as destructive to the peace, liberties, and safety of the Kingdome, was warrantable and good, then was the calling of the Armie to act as they did in the businesse under debate, warrantable and good also. But the antecedent is true, therefore the consequent also. The minor proposition, *viz.* that the calling of the Parliament, to levy Forces against the King and his Party, in order to the ends mentioned, was every wayes warrantable and good, I presume will not be denied by the Parliament-men themselves. Or if they should deny it, they would but deny the Sunne to be up at noone-day, inasmuch as the truth thereof hath beene brought forth into a cleare and perfect light, by many pennes, yea and by their owne (in many of their Declarations) yea, and Mr. Pryune himselfe hath set it up in a great Volume as *upon a mountaine*, that it cannot be hid; though by the fervency of his late Devotion to the Kings interest and cause, he hath attempted the melting downe of that mountaine.

Mr. Pryune
Sover.
Power of
Parliaments
and King-
domes.

Señ. 7.

The connexion in the major proposition is valid upon this consideration. The Parliament (or at least the Parliament men who did the thing) had no other calling, to oppose the King and his, by force, but onely the generall call of the major part of the people, by which they were enabled to act in a Parliamentary capacity, [i. more effectually, and upon more advantageous termes, then singly, or out of such a capacity, they could] for their good. By this call by the major part of the people, they were enabled onely in a generall, implicit, and indefinite manner

manner, to raise forces against the King and his complices, for the safetie, and behoofe of the Kingdome. So that the particularity of this action was not warranted simply by the nature, or tenore of their call, but by the regular and due proportion which it had to the accomplishing of the end, for which they were chosen or called, viz. the peoples good. From whence it follows, that whether they had beene in a Parliamentary capacity, or no, yet if they had been in a sufficient capacity of strength, or power for matter of execution, their call to doe it, for substance, had been the same, though not for forme. And suppose there had beene no Parliament sitting, or in being, when the King and his party rose up in armes against the Peace, Liberties, and safety of the Kingdome; doubtlesse if any one man had been able to have secured the Kingdome in all these against them, his action had not been censurable for want of a calling to it; in as much as every member, as well in a body politique, as naturall, hath a sufficient call, yea an ingagement lying by way of duty upon it, to act at any time, and in all cases, according to its best and utmost capacity, or ability, for the preservation and benefit of the whole. Now then, supposing the same proportion to the peace, benefit, and safety of the Kingdome, in what the Army did in purging the Parliament, and in what the Parliament it selfe did, in opposing the King by force (which is a point of easie demonstration, and is *exsuperabundanti*, proved in the large Remonstrance of the Army lately published) let us consider, whether the call of the Army, to act for the Kingdome as they did, be not as authentique, cleare, and full, as that of the Parliament to act as they did, in reference to the same end.

First, the authority and power of the people [or rather the present exercise and execution of this power] to act for their owne preservation and well being in every kind, was as well formally, and according to the ceremonie of the Law, as really, and according to the true intentions and desires of the people, vested in the Parliament. So that the Parliament by vertue of this investiture, and during the same, had the same right of power to raise an Armie, and to give unto it what Commission they judged meet, in order to the benefit of the people, or to act any other thing of like tendency, which the people themselves had, to chuse for themselves a Parliament. Therefore whatsoever lyeth within

Sec. 3.

within the verge of the Armes Commission derived from the Parliament, relating to the Kingdomes good, they have as full and formall a call, or warrant, to act, and put in execution, as the Parliament it selfe had, either to raise an Army, or to doe any other act whatsoever. If then first, the tenor of their Commission stood towards any such point as this, (which I presume is no way questionable) *viz.* to suppress by strong hand, all such persons, whom upon rationall grounds they should judge enemies to the peace and welfare of the Kingdome; and secondly, that those Parliament Members, whom now they have cut-off from that body, were upon such grounds judged such by them, (of the truth wherof they have given a supersufficient account in their said late Remonstrance;) it is as cleare as the Sun that their calling to act as they did in cutting off these Members, is every whit as legitimate and formall, as that of the Parliament it selfe is to act any thing whatsoever, as a Parliament.

Sect. 9.

Nor is it of any value to pretend here, and say, that it is not to be beleevd, that a Parliament should give any Commission unto men, to act against themselves, or in a destructive way to their priviledges, or honours. For to this I answer.

First, that Law-givers, whilst they are sober, and in their right mindes, may very probably make such Lawes, for the ordering and restraint of persons distracted and madd, which, in case they afterwards become distracted, may, and ought to bee put in execution, upon themselves. And in case any of those Parliament men, who joyned in granting that Commission unto the Army, by which they were inabled to fight, slay and destroy all those that were in armes against the Parliament, should afterwards have turned Cavaliers themselves, and been found in armies against the Parliament (as some of them, if my memory faileth me not, were) they might very lawfully have beene encountred and destroyed by the Army, by vertue of that Commission which was granted by themselves.

Sect. 10.

*Si justè egero,
hoc utaris pro
me: Si injustè,
contrà me.*

Secondly, what onely one Emperour explicitly spake to an inferiour Officer created by him, when hee delivered him the Sword; *If I dee justly, use this for me; if unjustly, use it against me;* the same implicitly, and according to the exigency of the trust committed by Office, doth every superiour Magistrate say unto him, whom he chuseth and admitteth into a place of subordi-

nate office, or power under him. For the punishment of evil doers, and so the procurement of the publique good, doth not lye by way of Office, or duty, upon the chiefe Magistrate onely, but upon all subordinate Magistrates also, and Officers whatsoever. This is evident from this passage in Peter: *Submit your selves to every ordinance of man for the Lords sake, whether it be to the King, as supream; Or unto Governours.* [i. inferiour Magistrates or Officers] *as to them that are sent by him for the punishment of evil doers, and for the prayse of them that do well.* (a) So then, the punishment of evil doers, and this simply. without all partiality, or distinction of persons, (which are things sinfull in all Magistrates whatsoever, as well subordinate, as supream) and likewise the protection and encouragement of those that doe well, lying by way of Office and duty, upon all those, who by the King, or supreme Officer, are invested with any power of authority, though subordinate; evident it is, that whensoever a King, or other Supreame authoritie, creates an inferiour, they invest it with a legitimacy of magistraticall power to punish themselves also, in case they prove evil doers; yea and to act any other thing requisite for the praise or encouragement of the good. Nor is there any pretence here for such an exception, as the Apostle Paul findes, in the grand Commission of Christ. *But when hee saith all things are put under him, it is manifest that he is excepted, which did put all things under him.* (b) God the Father being incapable of sin, is not capable of losing that soveraigne dignity, which is native and essentiall to him; and consequently, not capable of coming into subjection under any creature, as Christ Mediator, in respect of his humane nature, is. But Kings and Magistrates of the highest, being very capable even of such sins, which are destructive to the peace and welfate of the people under them, and repugnant to the encouragement of those that doe well, and consequently, which appertaine to the cognizance of every Magistrate, to whom the care of such things is intrusted, are very capable also of forfeiting that dignity, which is natural and essentiall to them, as Kings, or Supream, and of rendring themselves obnoxious to those authorities and powers, which out of such cases, are under them, but upon such miscarriages, are above them; as Reuben forfeited that excellency of dignity, which appertained to him, as the first borne of his Father, by going up

(a) 1 Pet. 2.
13, 14.

(b) 1 Cor. 15.
27.

(^o) Gen. 49. 3. *unto his Fathers bed.* ^b Upon this very ground *Calvin* himselfe, *Zwinglius*, and other reformed Divines, and the *Scottish* Ministers themselves (more generally) and *Master Prynne* more voluminously then they all; determine and adjudge it, not onely lawfull, but matter of duty and charge lying upon the subordinate Magistrates, to curb and bridle the tyrannous extravagancies and incursions of Kings and Princes against their people. ^c But

And the *Scottish* Ministers in their briefe *Thesis de majestatis jure*, M. S.

Sect. 11.

Secondly, suppose the Armie had not a call to act as they did, in the case under debate, every wayes as full of formality, as the call of the Parliament to act as they did, in opposition to the King, yet might their call be (and indeed was) as materiall, as weighty, as considerable, and as justifiable in the sight of God, and of all unprejudiced intelligent men, as the other. The call of the Parliament we spake of, was from the persons of the people, expressed by formality of words, or other ordinary gestures, testifying such a call from them: and this call they (or most of them) received from the people, whilst as yet they (the people) were in no visible, at least in no imminent or present danger of being swallowed up in slavery and tyranny. But the call of the Armie, to deny the opportunity of the house, to those Members of Parliament, whom they sequestred, was from the strong and importunate cries of the peoples Liberties, yea and of many of their lives, being now layd upon the Altar, ready to be offered up in sacrifice upon the service of the lust and revenge of a most inhumane generation of men, who (it seemes) thirsted after them with that furiousnesse of thirst, that they made no spare of their owne deare lives themselves to make the purchase, and were now under a great additionall enragement, as having been for a long time chafed up and downe in their owne blood, and by a strong hand kept fasting from their desires. Now the calls of the miseries and extremities of men for reliefe, are more authorizing, more urging, pressing, and binding upon the consciences of men, who have wherewithall to afford reliefe unto them, then the formall requests or elections of men to places of trust or interest, when the electors have no such present or pressing necessity upon them, for the interposall of the elected on their behalfe: The necessities of men call more effectually, then men themselves; yea, the truth is, that the calls of men, calling others

thers to helpe assist them, being in a tolerable condition of subsisting, without receiving the helpe they call for, are but dal-lyings, or sportings, and shadowes of cal, in comparison of the loud, vehement, and importunate cries of the exigencies and ex-tremities of men, though the men themselves should hold their peace.

Fourthly, (and lastly to the first objection) the common saying, that *in case of extreame necessity all things are common, ex-tends unto callings also*. In cases of necessity, all callings are com-mon, in order to the supply of the present necessity. David and his men being hungry, were all Priests, in reference to the satis-faction of their hunger, and did, and that lawfully, eat that bread, which (as our Saviour himselfe affirmeth) *was lawfull onely for the Priests to eat*.^a Polanus a reformed Divine of good note, granteth, that *when Bishops and Ecclesiastiques are defective either in will, or skill, for the reformation of Religion, and the Church; laicks or private men may lawfully supply their defect herein, and act the part of Bishops or Ecclesiastical persons, in such reformations*.^b

When the Pilot, or Master of a Ship at Sea, be either so farre overcome and dis tempered with drinke, or otherwise disabled, as through a phreneticall passion, or sicknesse in any kinde, so that he is incapable of acting the exigencies of his place; for the preservation of the Ship, being now in present danger, either of running upon a quick sand, or splitting against a rock, &c. any one, or more of the inferiour Mariners, having skill, may, in order to the saving of the Ship, and of the lives of all that are in it, very lawfully assume, and act according to the interest of a Pilot, or Master, and give orders and directions to those with them in the Ship accordingly, who stand bound at the perill of their lives in this case to obey them. By such a comparison as this, Master Prynne himselfe demonstrates how regular and law-ful it is for Parliaments, yea and for particular men, to turne Kings, I meane, to assume that Interest and power, which the Law appropriates to the Office, and vesteth onely in the person of the King, when the King steereth a course in manifest opposition to the peace and safety of the Kingdome.

The passage in Master Prynne, though it be somewhat large, yet being through and home to the point in hand, I shall pre-sent Verbatim. Go too now (saith this Anti-Protyrannicall Spirit)

Señ. 12.

In casu extre-mæ necessita-tis omnia sunt communia.

Aqu. 22æ: qu. 32. art. 7.

(a) Mar. 12.4.

(b) Laicis li-cet curam de Reformandâ Religione, & Ecclesiâ susci-pere, cessanti-bus, vel non facientibus officium, vel facultate des-titutis Epis-copis & Eccle-siasticis. Po-lan. Symph. c. 19. Thes. 2.

in this our Politique Ship, the Master gluts himselfe with Wine, most of his Assistants either asleepe, or drunke with mutuell cups, sportingly behold an imminent rock. The Ship in the meane time, either holds not that course, which is expedient for the owner, or seemes speedily to be wracked. What thinkest thou is here to be done under the Master, by one who is vigilant and solicitous? Shall he pull those by the eares, who are asleepe, or onely jogge them by the sides? but in the meane time, lest he should seeme to doe ought without their command, shall hee not afford his helpe and assistance to the indangered Ship? Truly what madness, or rather impietie, wil this be? Seeing then (as Plato saith) **TIRANNIE IS A CERTAIN PHRENSIE** and drunkenness, the Prince may utterly subvert the Republique, the most of the Nobles may collude, connive, or at least are fast asleepe; the people, who are Lords of the Republique, by the fraude and negligence of their Ministers, which is their fault, are reduced into greatest streights: in the meane time, there is one of the Nobles, which considers the incroaching tyranny, and detests it from his soule: what think'st thou is now to be done against him by this man? Shall he onely admonish his Colleague of their duty, who themselves doe as much hurt as they may? But besides, as it is perillous to admonish, and in that state of things it may be deemed a capitall crime: shall hee doe like those, who contemning other helpes, casting away their armes, shall cite Lawes, and make an Oration concerning Justice, among theeves, in the midst of a wood? But this truly is that which is commonly said, to be mad with reason. What then? shall he grow deafe at the peoples groanes? Shall hee be silent at the entrance of theeves? Or shall he finally grow lazie, and put his hands into his bosome? But if the Lawes appoint the punishment of a Traytor against one wearing buskins on his legges, who counterseits sicknesse for feare of the enemies, what punishment at least shall we decree against him, who either through malice, or slathfulness, shall betray those whom he hath undertaken to protect? But rather he shall command those things that are needfull to such as are wary, by a Mariners shout: he shall take care lest the Common-wealth receive any detriment, and shal preserve the Kingdome even against the Kings wil and resistance, by **WHICH HE HIMSELF BECOMES A KING** and shall cure the King himselfe as a frantique man, by **BINDING HIS HANDS AND FEET**, if he may not otherwise doe it. Thus farre Mr. Prynne; and full far enough to justifie whatsoever is said in these papers for the justification of the Army in their binding the hands

hands and feet of some frantique Parliament men (as himself in a Platonick strein phraseth those, whose either thorough malice, or slothfulnesse, shall betray those, whom they have undertaken to protect.)

It were easie to multiply instances of like import. But by what hath been argued, the nullitie of that argument against the proceedings of the Army, drawne from the defect of a calling to a^ct as they did, fully appeareth.

A second Objection is this: They resisted Authority, or the powers lawfully set over them; and therein, the ordinance of God: therefore their fact is to be condemned and cannot be justified: I answer, Sect. 13.
The second
maine ob-
jection.

First, To resist Authority, imports either a detra^cting or denyall of obedience to the just commands of Authority, or else the ingaging of a mans selfe to dissolve, and take away Authority. Now certaine it is that the Army, in that a^ct of theirs now in question, neither did the one, or the other. First, the authority of Parliament, had made no such A^ct, passed no such Vote, that none of their Members, though voting, or acting never so palpably, or with never so high an hand against the Interest, peace, and liberties of the Kingdome, should be debarred sitting in their house. In which respect, the Army debarring those Members, which had thus voted and acted, from sitting in that House, did not resist Authority in the former sence. Or in case it should be supposed, that the authority of Parliament, had made such an a^ct, or passed such a Vote, as that mentioned, unlesse the equity and justnesse of it could be sufficiently cleared, the crime of resisting authority could not upon any sufficient ground be imputed to those, who should decline obedience to it.

Secondly, neither did the Army in the aforesaid a^ct, resist authority in the latter sence; because what they did, no way imported any dislike of Parliament authority, nor had any tendency towards the abolition, or taking of it away; but onely implied a disapprovement of the factious carriage of things in this present Parliament, as evidently bent against the safety, liberties, and well-being of the Nation; and tended withall towards a prevention of the like, or worse, for the future. But as for their approbation of, and resolutions to maintaine Parliaments, and Parliamentary authority (stated and formed in a regular and due proportion to the behoofe and benefite of the Kingdome)

Kingdome) they stand abundantly declared to all the World in their late *Remonstrance*.

Se^{ct}. 15.

If it be here yet further said; yea but though it should be granted, that they did not resist Authority, in either of the two considerations specified, yet they did that, which was worse, or every whit as bad, as either of them. For they offered violence to persons in authority, and would not suffer them to act in that authoritative capacity, which was lawfully vested in them; To this also I answer;

First, it is lawfull for any man, even by violence, to wrest a Sword out of the hand of a mad man, though it be never so legally his, from whom it is wrested. The reason is, because in case a man that is mad, should be let alone with a Sword in his hand, either untill he be willing of himselfe to part with it, or untill it can be recovered from him by a due proce^{ss}e and course in Law, there is a probability in reason, and according to the frequent experience of the workings of such a distemper, that he will doe much mischief with it in the meane time: and the lives and limbs of men, are to be preferred before the exorbitant wils, or humours of men under distemper. This is the very case in hand. The Members of Parliament dis-hous'd by the Army, were strangely struck with a politicall phrensie (as *Plato* tearmeth it;) they acted as men bereaved of their senses, that had quite forgotten the businesse committed unto them, and that knew, or understood nothing of matters relating to the peace or well-being of the Kingdome, or of those who had intrusted them with their power: their counsels and votes of late still smil'd upon their owne enemies, and the grand and most inveterate enemies of the Kingdome, but frown'd and look'd gastly upon their friends, and those that had constantly guarded them with their lives and estates.

Hic furor haud dubius; hæc est manifesta phrenesis. i.

This madnesse is without all doubt,

And phrensie manifest throughout.

Now then Parliamentary power being in the hands of these men, but as a sword or speare in the hand of a man distraught in his wits and senses, wherewith hee is like to doe little or no good but in continuall danger of doing much harme, it might very lawfully, and with the full consent of all principles

principles of reason, equity, and conscience, be seized upon, and taken from them by a strong hand, for the prevention of such mischiefs and miseries, which, remaining in their hand, it daily and hourly threatened to bring upon the whole Nation and Kingdome.

Secondly, The King had as legall and formall an investiture into to the power of the Militia, of sitting in Parliament, &c. as these men had; into their Parliamentary places and trusts: yet did not the Parliament unjustly, or contrary to rules of equity, upon a plenary discovery of a bent in his will and counsels to suppress the liberties of the Nation, to deprive him, and that by force, of the enjoyment and exercise of those interests and priviledges, notwithstanding the legality of their investiture in him. Therefore upon a like discovery of the same bent in the wils and counsels of these Parliament men, the lawfulnessse of their elections into their places of trust, cannot reflect any unlawfulnessse upon that act, by which they were removed from, or debarred of them.

Señ. 16.

Thirdly, (and lastly) there is no Clyent that hath entertained a Lawyer, or Advocate to plead his cause, but upon discovery, yea or jealousy, of prevarication, and false-heartednesse to him in his cause, may lawfully discharge him, his entertainment notwithstanding. There is the same liberty in a Pupill, or person in his minority, to dis-entrust his Guardian, how lawfully soever chosen, upon suspicion of male-administration, or unfaithfulnessse. And why should the like liberty be denyed unto a people or Nation, for the removing of such persons, whom they have chosen for Guardians to their Estates and Liberties, from these places of trust, when they evidently discern a direct tendency in their proceedings, to betray them, both in the one and the other, unto their enemies?

Señ. 17.

But two things (it is like) will bee here objected. First, that the Parliament were Judges lawfully constituted, of the Kings delinquency against the Kingdome; but the Army were no Judges of such a constitution, of the miscarriages of the Parliament. Therefore there is not the same consideration, in point of lawfulnessse, in the proceedings of the Army against the Parliament, which is of the Parliaments proceeding against the King. There is the same difference likewise between the act of a Clyent

Right and Might well met.

Kingdome) they stand abundantly declared to all the World in their late Remonstrance.

Self. 15.

If it be here yet further said; yea but though it should be granted, that they did not resist Authority in such a manner as

ev

to

an

thi

Sw

gal

cal

har

unt

in I

fre

will

live

with

in h

wer

eth

for

und

ing

their

their

of cl

frien

lives

12

No

No

men, but as a sword or spear in the hand of a man distraught in his wits and senses, wherewith hee is like to doe little or no good but in continuall danger of doing much harme, it might very lawfully, and with the full consent of all principles

NOTE

This volume is
tightly bound and
effort has been made
to reduce the centres.
result in d

academ
microforms

Right and Might well met.

principles of reason, equity, and conscience, be seized upon,

13

ention of
Hand, it
e Nation

has a very
and while every
made to repro-
s, force would
damage

emic

ns

vestiture
ient, &c.
d trusts:
les of e-
counsels
and that
and pri-
e in him.
wils and
their e-
ualaw-
om, or

Señ. 16.

h enter-
on dif-
tedness
ertaine-
bill, or
w law-
ion, or
ed unto
whom
Liber-
erne a
in the

Señ. 17.

First,
were judges lawfully constituted, of the
Kings delinquency against the Kingdome; but the Army were
o Judges of such a constitution, of the miscarriages of the Par-
ament. Therefore there is not the same consideration, in point
of lawfulness, in the proceedings of the Army against the Par-
ament, which is of the Parliaments proceeding against the King.
There is the same difference likewise between the act of a C luent

Kingdome) they stand abundantly declared to all the World in their late *Remonstrance*.

Señ. 15.

If it be here yet further said; yea but though it should be granted, that they did not resist Authority, in either of the two considerations specified, yet they did that, which was worse, or every whit as bad, as either of them. For they offered violence to persons in authority, and would not suffer them to act in that authoritative capacity, which was lawfully vested in them; To this also I answer;

First, it is lawfull for any man, even by violence, to wrest a Sword out of the hand of a mad man, though it be never so legally his, from whom it is wrested. The reason is, because in case a man that is mad, should be let alone with a Sword in his hand, either untill he be willing of himselfe to part with it, or untill it can be recovered from him by a due proceffe and course in Law, there is a probability in reason, and according to the frequent experience of the workings of such a distemper, that he will doe much mischief with it in the meane time: and the lives and limbs of men, are to be preferred before the exorbitant wils, or humours of men under distemper. This is the very case in hand. The Members of Parliament dis-hous'd by the Army, were strangely struck with a phrensicall phrensie (as *Plato* termeth it;) they acted as men bereaved of their senses, that had quite forgotten the businesse committed unto them, and that knew, or understood nothing of matters relating to the peace or well-being of the Kingdome, or of those who had intrusted them with their power: their counsels and votes of late still smil'd upon their owne enemies, and the grand and most inveterate enemies of the Kingdome, but frown'd and look'd gaffly upon their friends, and those that had constantly guarded them with their lives and estates.

Hic furor haud dubius; hæc est manifesta phrenesis. i.

This madnesse is without all doubt,

And phrensie manifest throughour.

Now then Parliamentary power being in the hands of these men, but as a sword or speare in the hand of a man distraught in his wits and senses, wherewith hee is like to doe little or no good but in continuall danger of doing much harme, it might very lawfully, and with the full consent of all principles

principles of reason, equity, and conscience, be seized upon, and taken from them by a strong hand, for the prevention of such mischiefs and miseries, which, remaining in their hand, it daily and hourly threatened to bring upon the whole Nation and Kingdome.

Secondly, The King had as legall and formall an investiture into to the power of the Militia, of sitting in Parliament, &c. as these men had into their Parliamentary places and trusts: yet did not the Parliament unjustly, or contrary to rules of equity, upon a plenary discovery of a bent in his will and counsels to suppress the liberties of the Nation, to deprive him, and that by force, of the enjoyment and exercise of those interests and priviledges, notwithstanding the legality of their investiture in him. Therefore upon a like discovery of the same bent in the wils and counsels of these Parliament men, the lawfulnessse of their elections into their places of trust, cannot reflect any unlawfulnessse upon that act, by which they were removed from, or debarred of them.

Sect. 16.

Thirdly, (and lastly) there is no Clyent that hath entertained a Lawyer, or Advocate to plead his cause, but upon discovery, yea or jealousy, of prevarication, and false-heartednesse to him in his cause, may lawfully discharge him, his entertainment notwithstanding. There is the same liberty in a Pupill, or person in his minority, to dis-entrust his Guardian, how lawfully soever chosen, upon suspicion of male-administration, or unfaithfulnessse. And why should the like liberty be denyed unto a people or Nation, for the removing of such persons, whom they have chosen for Guardians to their Estates and Liberties, from these places of trust, when they evidently discern a direct tendency in their proceedings, to betray them, both in the one and the other, unto their enemies?

Sect. 17.

But two things (it is like) will bee here objected. First, that the Parliament were Judges lawfully constituted, of the Kings delinquency against the Kingdome; but the Army were no Judges of such a constitution, of the miscarriages of the Parliament. Therefore there is not the same consideration, in point of lawfulnessse, in the proceedings of the Army against the Parliament, which is of the Parliaments proceeding against the King. There is the same difference likewise between the act of a Clyent

and Pupill, wherein the one dischargeth his Advocate, and the other his Guardian; and the act of the Army, in dethroning the Parliament men. To this I answer,

Eccl. 18.

First, That whether we place the lawfulness of a Parliamentary Judicature in respect of the Kings Delinquency, either in their Election by the people, or in the conformity of this their Election unto the Lawes of the Land, certaine it is that the Army were Judges of every whit as competent, and lawfull a constitution of their delinquencies in the same kinde. For,

First, If we measure the lawfulness of Parliamentary Judicature by the call of the people thereunto, the Army (as was formerly proved) hath every whit as lawfull a constitution to judge who are enemies to the peace and safety of the Kingdome, as the Parliament it selfe hath. Nor doth it at all argue any illegality in their judgements about the Parliament men, that they had not the explicit and expresse consent of the people therein, or that they had no call by them so to judge; no more then it proveth an illegality in many Votes and Ordinances of Parliament, that they were both made and published, not onely without the particular and expresse consent, but even contrary to the minds and desires of the people, or at least of the major part of them. Besides it is a ridiculous thing to pretend a want of a call from the people, against the lawfulness of such an act, which is of that soveraign necessity for their benefit and good, which the actions of the Army were; especially at such a time, when there is no possibility of obtaining, or receiving a formall call from the people, without running an eminent hazard of losing the opportunity for doing that excellent service unto them, which the providence of God in a peculiar juncture of circumstances, exhibit's for the present unto us. Mens consents unto all acts manifestly tending to their reliefe, are sufficiently expressed in their wants and necessities.

If it be yet said; But the people doe not judge the proceedings of the Army against the Parliament men, as tending to their reliefe, or welfare in any kinde, but as contrary unto both, nor doe they give so much as their subsequent consents thereunto; I answer (besides what was lately said to the nullifying of this pretence) that Physicians called to the care and cure of persons under distempers, need not much stand upon the consents of
such

such patients, either subsequent, or antecedent, about what they administer unto them. If the people be incapable in themselves of the things of their peace, it is an act of so much the more goodnesse and mercy in those, who being fully capable of them, will ingage themselves accordingly to make provision for them. It is a deed of Charity and Christianity, to save the life of a lunatique or distracted person even against his will. Besides it is a ruled case amongst wise men, that *if a people be depraved and corrupt, so as to conferre places of power and trust upon wicked and undeserving men, they forfeit their power in this behalfe unto those that are good, though but a few.* So that nothing pretended from a non-concurrence of the people with the Army, will hold water.

Or,

Secondly, If we estimate the lawfulnessse of that Judicature, by the conformity of their elections thereunto, to the Lawes of the Land, the investiture of the Army into that Judicature, which they have exercised in the case in question, is conforme unto a Law of farre greater authority, then any one, yea then all the Lawes of the Land put together; I meane, the Law of nature, necessity, and of love to their Country and Nation: which being the Law of God himselve written in the fleshy tables of mens hearts, hath an authoritative jurisdiction over all humane Lawes and constitutions whatsoever; a prerogative right of power to overrule them, and to suspend their obliging influences, in all cases appropriate to it selfe. Yea many of the Lawes of God themselves, thinke it no disparagement unto them, to give place to their elder Sister, the Law of necessity, and to surrender their authority into her hand, when shee speaketh. So that whatsoever is necessary, is somewhat more then lawfull; more (I meane) in point of warrantablenesse. If then the Army stood bound by the Law of nature and necessity, to judge the Parliament men as they did, viz. as men worthy to be secluded from their fellowes in Parliamentary interest, this judiciary power was vested in them by a Law of greater authority, then the Lawes of the Land; and consequently the legality, or lawfulnessse of it was greater, then of that in the Parliament, which derives its legality onely from a conformity to the established Lawes of the Land. Yea the truth is, that that Law of necessity, by which the Army were constituted Judges of those Parliamentary Delinquents

Però si paulatim idem populus depravatus habeat venale suffragium, & regimen flagitiosis sceleratisque committat, recte admittitur populo talis potestas dandi honores, & ad paucorum bonorum redit arbitrium. A. qu. 12. qu. 67. art. 1. Sect. 19.

we speake of, cannot (in propriety of speech) be denied to be *one of the lawes of the Land*, being the law of nature, and consequently the law of all Lands, and Nations whatsoever, established in this, and in all the rest, by a better, and more indubitable legislative Authority, then resides in any Parliament, or community of men whatsoever.

Scilicet. 20.

If it be here further objected; yea but what necessity was there lying upon the Army, to assume that judicative power unto themselves, which they exercised upon the Members of Parliament? It is an easie matter to pretend a necessity (almost) for every unjust, and unrighteous thing; but not so easie to judge what such a necessity is, which is authorized by God with a suspensive power over humane lawes. To this I answer,

First, That they cannot (at least in the ordinary signification of the word) be said to *assume* a power of judicature unto themselves, who onely judge either of persons, or of things, in respect of themselves, and with relation to what concernes themselves by way of duty, either to doe, or to forbear. The exercise of such a judging, or judicative power, as this, is imposed by God by way of duty upon all men: and woe unto them, who doe not judge, both persons and things, in such a consideration, as this. The neglect, or non-exercise of that judging faculty or power, which is planted in the soules and consciences of men by God, upon such termes, and with reference to such ends as these, draweth along with it that sin, w^{ch} the Wise man calleth, the *despising of a mans wayes*, & threatneth with death. *But he that despiseth his wayes shall dye*. Now certain it is, that the Army did exercise no other judiciary power then this, about, or upon those Parliament-men, nor in any other respect, nor with any other consideration, then to their own duty concerning them; w^{ch} every other person in the Kingdom, either did, or ought to have done, as well as they. Every man is bound to consider, judge, and determine, what is meet, and necessary for him to doe, either to, with, for, or against, all other men; or at least all such, to whom he stands in any relation, either spirituall, naturall, or civill. That judgement then which the Army passed in their own breasts and consciences upon those Parliament-men, as *viz.* that they were such, whom they stood bound in duty, having an opportunity in their hand to doe it, to cut off as unsound members from

^aProv. 19. 16.

from their body, was nothing else but the issue, fruit, and effect of that consideration of them and of their wayes, which they stood bound to levy, raise, and engage themselves in, about the one and the other. If the judgement which they passed in this kinde was erroneous, it was not erroneous through an usurpation of an unlawfull power to judge, but either through a defect and weakenesse of those discerning, or judging abilities, which they stood bound (however) to use; or else through an oscitaney, carelesnesse, or sloath, in not improving or acting these abilities, as they might, and ought, to the discerning of the truth. Certainly they who judge these Parliament-men worthy Patriots or Members of their House, or meet to have beene let alone without disturbance in their way, doe assume the same power of judicature concerning them, yea and concerning the greatest and weightiest matters of State, which the Army did, when they judged them meet to be sequestred. Yea they who judge, and condemne the Armie as evill-doers, for what they acted about these men; and not only so, but smite them also with the sword of the tongue, reviling them without any just warrant or ground, doe they not every whit as much usurp, and assume to themselves a power of judging, without any authority at all, as the Armie did in that very act of judgement, at which they make themselves so highly agrieved? Insomuch that to all such, that of the Apostle may be justly applied. *Therefore thou art inexcusable O man, whosoever thou art that judgest. For wherein thou judgest another, thou condemnest thy selfe: for thou that judgest, dost the same things.* Nay, if we speak of an authoritative power to judge, they who presume to justifie and absolve the Parliament-men from the crime charged upon them, and to condemn the Army for charging them, are farre deeper in the usurpation of such a power, then the Armie. For the Army (as hath been said) had a legall commission from the Parliament it selfe, to oppose, slay, and destroy the enemies of the Kingdome, and therein a kind of authority derived unto them, to judge of these enemies, when they should meete with them (for a Commission or warrant to apprehend, or destroy such and such persons, without a liberty, or power, either granted, or supposed, to judge them such, when they are found, were a ridiculous nullity) whereas they, who being private men, shall undertake, not only to censure, judge,

and sentence the Armie as Malefactors in what they have don, but to proceed likewise to the execution of this their sentence by inflicting the penaky of stigmaticall and opprobrious terms upon them; by casting them out of the affections of their friends, by firing the spirits, and strengthening the hands of their enemies against them, doe all this without the least colour, shadow, or pretence of any lawfull authority whatsoever. But

Seet. 21.

2. That the judgement or sentence which the Armie passed upon those men, as meet to be dispossessed of their Parliamentary interest, was not erroneous in either of the considerations mentioned, or in any other, but every wayes just, and according to the truth, stands cleer upon this ground, *viz.* that they were become Renegadoes from their Trust, and acted by their counsels, debates, votes, and interests, in a diametrall opposition to the peace and safety of the Kingdome, and to publique good. Yea the tenour of their Parliamentary actings before their removal from the House, in the known dialect of politicall prophesie, presaged nothing but ruine and destruction to the liberties of the free-borne Subjects of the Kingdom in generall, and to the lives and estates of many thousands in the Kingdome, whom they stood bound in conscience, in a speciall manner to protect. For what could that grand encouragement, which they administered by their Votes to a potent party of men in the Kingdome, who had so lately, and with so high an hand, acted hostility against the peace and liberties of the people, and against the lives of those who stood up to protect them, not having given the least overture of any relenting in their olde principles, but were now through that extreameity of paine which they lie under, having beene so often, and so deeply bitten, and stung by the fidelity and valour of the Army, more enraged in their spirits, then ever; what could (I say) such an encouragement, given by such hands, unto such men, but portend, either a re-imbroyling of this already miserably-wasted Nation, in Wars and blood, or else the necessity of a patient and quiet subjection of the Nation to the iron yoke of perpetuall tyranny and bondage, together with the certaine ruine of the lives and estates of those, who had shewed most faithfulness and courage in the defence of the Parliament and the Kingdomes liberties, in opposing the King and his party, if the Army had not preventingly interposed, as they did? The
by-past

by past actions of men, especially such, which they have for any considerable space of time inured themselves unto, are propheticall of what their future actions are like to be, if opportunity paralleleth. The civill Law saith, that *he that hath injured one, hath threatned many*: and by the rule of proportion, he that hath injured many, hath threatned all. It is the saying of that late great Scholar and States-man, Sir Francis Bacon; that *mens thoughts are much according to their inclination: their discourse and speeches according to their learning, and infused opinions: but their deeds are after as they have beene accustomed*. Inſomuch as afterwards he saith, *as a man would wonder to heare men professe, protest, engage, give great words, and then doe just as they have done before**. Yea the Scripture it selfe giveth testimony to this maxim, that what men have been by custome, they are like to be by continuance. *Can the Ethiopian* (saith God himselfe to the Jews) *change his skinne, or the Leopard his spots? then may ye also doe good that are accustomed* [or, taught] *to doe evill*^a. And elsewhere (speaking of the same people) *they hold fast deceit, they refuse to returne — no man repented him of his wickednesse, saying, what have I done?* Every one turned to his course [or race] *as the horse russeth into the battle*^b, meaning, that as the warlike horse, having been for a while curb'd and held in by his Rider with a sharp bit, & strong hand, russeth with so much the more violence and fury into the battle, when he feels his liberty; In like manner these men, (and it is the case generally of all men) when they had been at any time restrained for a while, whether by my word, or my judgments upon them, from these vile practises; still upon the first opportunity that they found themselves loose, they re-practised thir former wickednesse with so much the more eagerneſſe and keeneneſſe of spirit.

It were easie to bring Authorities in great numbers, both divine and humane, and these attended with a like traine of examples, both ancient and modern, for the further confirmation and credit of this axiome, that men generally are much more like to practise on their owne vices, then to fall off to the exercise of other mens vertues. But by what hath been delivered in already upon this account, most evident it is, that the men parliamented by the Army, were in their full carriere to the utter undoing of the Kingdome, when they were dismounted: and conse-

*Eſſaier.
Eſſ. 27,

^a Jer. 13. 23.

^b Jer. 8. 5, 6.

Seſt. 22.

consequently, that the judgement of the Army looking upon them, as persons meet to be discharged from that great Trust, wherein they so prevaricated, was according to righteousnesse and truth. Therefore

Sett. 23.

3. (And lastly as to the objection last propounded) it is no such great matter of difficulty, clearly to discern, and judge of such emerging necessities (at least of many of them) which are authorized by God with a prerogative interest of suspending humane lawes. Hunger is by the holy Ghost himselfe enrolled amongst those necessities, which are invested by God with a faculty and right of suspending his owne lawes, so farre and in such cases, as they oppose the reliefe of it. *Have yee not read* (saith our Saviour to the Pharisees) *what David did when he was an HUNGRY, and they that were with him, how he entered into the house of God, and did eate the shew-bread, which was not lawfull for him to eate* (viz. in ordinary cases) *neither for them that were with him, but for the Priests only* ^{a?} meaning, and yet were innocent and un-reprovable, notwithstanding the transgression of a divine law (as touching the plain & expresse letter of it.) Now if God hath asserted such a priviledge unto the necessity of *hunger*, whereby to supersede the conscientious obligation of his own law, in order to its present satisfaction, much more hath hee authorized it to the superseding of any constitution or law, meerly humane, in reference to such an end; unlesse wee shall thinke, that hee is more jealous for the observation of the lawes of men, then of his owne. So then if it be no great matter of difficulty for a man to judge when he is *an hungry*, evident it is, that there are some cases of necessity obvious enough, whereunto the lawes of men ought to give place, and to be content to be, as if they were not. For the reason why *hunger* is invested with such a priviledge from God, as we speak of, is not simply, ^{or} because, it is *hunger*, i. such a peculiar and determinate ~~thing~~, which in a way proper to it selfe, threatneth and endangereth the life of man; but in respect of the generall nature of it, and as it simply threatneth and endangereth this life, if it be not timely healed by the application of food, or nourishment. It was the preciousnesse of the lives of men in Gods sight, not any respect he bare to any particular way, or meanes of endangering them, which obtained from him the grant of such a priviledge unto *hunger*, that in order to

it's

Mat. 12. 3, 4,
5.

it's necessary satisfaction, it should over-rule his owne law. So that whatsoever else it be, as well as *hunger*, which so apparently menaceth, or portendeth ruine and destruction to the lives of men, partakes of the same indulgence and grant of priviledge from God, with *hunger*, and is facultated by him, in order to the prevention of the mischief menaced, to transgresse a Law without guilt of sinne. By the cleare warrant of this consideration and deduction, the Jewes extended that grant of priviledge, which God (as we have heard) made, or indulged explicitly unto *hunger* only, unto all manner of things and cases whatsoever, whereby, and wherein life was exposed to imminent hazard and danger. Their common maximes were (as they were formerly mentioned, *Sect. 4.*) that *danger of life drives away the Sabbath*: *Perill of life drives away all*, &c. Now if the perill of the life of one man, or of a small parcell of men (as *David*, and *those that were with him*, were no great party) was priviledged from heaven with a sinlesse transgression of a speciall law of God; certainly, the imminent danger of bloody combustions in the midst of a great Nation, wherein the lives of many thousands were like to be sacrificed, besides the hazard of bringing many other most deplorable and sad calamities upon the whole Land, which (as hath beene proved) wrought effectually in the counsels and actings of the disseated Parliament-men, is a broad and unquestionable ground of equity and right, for the Armie to build a prevention or diversion of them upon, though it be with a temporary disobedience to such lawes of men, which were never (doubtlesse) intended by the Law-makers themselves, for the binding, either of mens consciences, or their hands, in such cases.

Periculum vitæ pellit Sabbathum. Periculum vitæ pellit omnia.

Onely, lest the truth we assert, should possibly suffer through any mans mistake, I shall adde one thing by way of caution, or explication about the premises. When wee seeme to approve of that principle of the *Jewes*, wherein they say, that *Perill of life drives away all*, and speak many things concerning the priviledge of necessity, we doe not suppose, nor intend to say, that men may lawfully transgresse every law or precept of God whatsoever, for the saving of their lives, being in danger, as for (example) that they may lawfully lie, forswear themselves, deny *Christ*, or the like, in such cases; for men (doubtlesse) ought rather to ac-

Sect. 24.

cept of death, then deliverance, upon such tearmts as these. But that which we suppose upon the account specified, is onely this; that hunger, or any parallell exigence or necessity, have such an indulgencie of priviledge from God, which extendeth to the suspension of all such Lawes, as well Divine, as humane, in order to the safety of men lying under them, which the light of nature, and that sence of equiry and of what is reasonable, planted in men by God, may well judge to have beene intended by the respective Law-makers, not for Lawes of an absolute and universall obligement, without all manner of exception, but onely for the regulating of men in ordinary cases, and such as are of more frequent and usuall occurrence. Now certaine it is, that as there are some Divine Lawes which fall under this consideration (as we have seene) so there are scarce any (if any at all) of humane constitution, but are subject unto it; I meane, which may not, according to the regular intentions of the Law-makers themselves, lose their binding force and authority for a

Seft. 25. time, as cases may be; it being a true Rule, subscribed as well by Lawyers as Divines, that Every Law binds onely according to the regular and due intention of the Law-maker.

Omnis Lex obligat secundum rectam voluntatem legislatoris obligantis. Daven. Determin. p. 100.

Omnis Lex ordinatur ad communem hominum salutem: Et in tantum obtrahit vim & rationem legis: secundum vñ quod ab hoc deficit, virtutem obligandi non habet. Aqu. 12æ. qu. 96. art. 6.

The reason why no humane Law, can reasonably be judged to bee of universall obligation (no, not according to the intention of the Law-makers themselves) is, first, because the adequate end and scope of Law-makers in their Lawes, is presum'd to be, the publique and common benefit

and good of the community of men, who are to obey them. Now (as Aquinas the Schooleman well observeth) it often falls out, that that, which ordinarily, and in most cases is much conducing to common good, in some particular case would bee most repugnant and destructive to it: (a) whereof hee gives an instance; unto which many others might readily be added. Therefore in such cases, wherein the observation of a Law, cannot but be of dangerous consequence, and prejudiciall to the publique, it is to be presumed, that it was no part of the intention of the Law-givers that it should be observed, or bind any man.

(a) Contingit autem multoties, quod aliquid observari communi saluti est utile, ut in pluribus, quod tamen aliquibus casibus est maxime nocivum. Ibidem.

Secondly, it being out of the Sphere of all earthly Law-makers, to foresee, or comprehend all particular cases, that may possibly happen, they generally content themselves with framing such Lawes, the keeping whereof ordinarily, and in cases of a more frequent occurrence, is conducing to publique benefit and safety, not intending by any of these Lawes to obstruct or prejudice the publique, in any anomalous or untought of case, but to leave persons of all Interests and qualities at full liberty, to provide for the publique in such cases, though with a practicall contradiction to any, or all of their Lawes.

Señ. 26.

Quiaque Legiflator non potest omnes singulares casus intueri, proponit legem secundum ea, que in pluribus accidunt, ferens intentionem suam ad communem utilitatem. unde si emergat casus in quo observatio talis legis sit damnosa communi salutis, non est observanda. Aquin. ubi supra.

Thirdly (and lastly, for this) If it could, or should be supposed, that humane Lawgivers are able to comprehend and make provision for all possible emergencies and cases, yet were it not expedient (saith my Author) for the Common-wealth, that they should multiply Lawes to such a number, as the particular stating and regulating of all such cases would necessarily require. Confusion in Lawes ought to bee avoyded, which yet could not be avoyded, if particular and expresse provision should be made in them, for the regulation of all persons, of what different capacities, or conditions soever, under all possible occurrences, in a due proportion to the common interest and benefit of men.

Señ. 27.

Nullius hominis sapientia tanta est, ut possit omnes singulares casus excogitare: & idcirco non potest sufficienter per verba sua exprimere ea, que conveniunt ad finem intentum: & si possit Legiflator omnes casus considerare, non oportet ut omnes exprimeret propter confusionem utandam: sed legem ferre deberet secundum ea, que in pluribus accidunt. Ibid.

These things considered, evident it is, that there was never yet any Lawgiver amongst men, who, understanding himselfe, ever intended to impose any Law of a politique constitution upon men, without a reserve for those, on whom it was imposed, to provide for themselves, or for the publique good in cases of necessity, besides, yea and against, the literall import of such a Law. Therefore perill of life, which is the most confessed case of necessity of all others, though it cannot claime exemption from under some of the Lawes of God (such as were lately intimated) yet may it challenge this priviledge in respect of the Lawes of men. The reason of the difference hath been already in part signified,

Señ. 28.

nified, but more compleatly is this : viz. because those Lawes of God, which we now speake of, prohibiting such actions, which are intrinsically, and in their proper natures, as being contrary to the essentiall purity and holinesse of God, and not only because they are prohibited, matter of defilement unto men, must needs bee of universall obligation, in as much as no necessity whatsoever can be greater then, nor indeed equall to, this, that a man refraines all such actions, which are morally, essentially, and intrinsically corrupting and defiling : whereas the civill or politique Lawes of men restraine onely such actions, the forbearance whereof, as in ordinary cases, it is commodious for the publique Interest, so in many others, possibly incident, would be detrimental and destructive to it. In which respect all the necessity of obeying such Lawes as these, may for the time, not onely be ballanced, but even swallowed up and quite abolished by a greater necessity of disobeying them. And concerning such Lawes of God himselfe, which we call typically, or ceremoniall, because they restraine onely such actions, which are not intrinsically, or essentially sinfull, or defiling, as not being in themselves repugnant to the holinesse of God, but had the consideration of sinne put upon them by a Law, in reference to a particular end ; hence it cometh to passe, that God was graciously pleased, and judged it meet, to subje& such Lawes as these to the pressing necessities of the outward man ; or rather (indeed) to those other Lawes of his, by which he commanded reliefe for them ; as it is written ; *I will have mercy, and not sacrifice.* This by way of caution. But

Se&. 29.

Secondly, Another thing, that (its like) will be objected, upon, and against what hath been answered to the second maine objection, is this : That the Parliament men disturb'd in their way by the Army, at least many of them, were Religious and conscientious men ; voted, and acted as they did, conscientiously, really judging the course they steered, to be the safest and most direct for bringing the great Ship of the Commonwealth into the harbour of rest and peace. And is it not contrary, as well to principles of reason, as Religion, that such men upon so faire an account as this, should be so *fooly* handled ? To this I answer ;

First (not to question that, which I make no question but will

will be sufficiently proved in due time, I meane, the Religiousnesse of the Gentlemen spoken of) Religious men, are as well men, as religious: and consequently, are not yet baptized into the spirit of that divine prerogative, which should make them (in the Apostle James his phrase) *ἀνυπότακτοι κακῶν*, persons *un-temp-table* by things that are *evill*. They that are capable of receiving gifts, or of any inordinacy in their desires after earthly accommodations, how wise, or just soever they be otherwise, are subject both to have their eyes blinded, and their words perverted. A *guist* (saith God himselfe) *doth blinde the eyes of the wise* [i. of those that are religiously wise, as well as others; the Scripture not often tearming any men *wise*, but upon that account] *and pervert the words of the righteous.* (a) A *guist*, or any thing equivalent to a *guist*, and that not onely after it is received, but much more whilst it is yet desired, and expected, is apt to have both these sad operations even upon the best of men. For who can be better then those whom *wisedome* and *righteousnesse* joyned hand in hand to make excellent?

Jam. i. 13.

(a) Deut 16. 19.

Secondly, When men are religious onely to a mediocrity, and withall servile in their judgements to some principles, which are commonly and with great confidence and importunity obtruded upon the consciences of professors, for sacred Truths, and yet are extreamly discouraging, and full of enmity to a thorough, stable, and quiet dependence upon God, by being religious upon such tearmes as these, they become twofold more the children of feare, then otherwise they were like to be, and consequently, so much the more capable and receptive of sad and dismall impressions from the World upon all occasions. And it is not more commonly then truly said; that *Feare is a bad Counsellor.*

Señ. 30.

Pessimus Con-
glarius Ti-
mor.

Thirdly, When religious men sinne against the common Interest and liberties of a free borne Nation; and make one purse with the knowne and thrice-declared enemies of their Land and people, whether they doe it, with, or against, their judgements and consciences, the Law of nature and necessity, cannot (for the present) stand to make, either a scrupulous inquiry after such a difference, or a regular assignement of favour to the qualifying circumstances of demerit; but calls, yea and cries out immediatly, and commands all men without exception, that have a prize in

Señ. 31.

their hand, to give it for the redemption of their Nation out of the hand of Oppression and Tyranny. And when this Law hath been obeyed to the securing of the Nation, she presently resigneth, and this freely and willingly, all her authority and command, into the hand of positive and standing Lawes, calculated for the ordinary posture and state of things, untill there be another cry of like danger in her eares. When these standing Lawes come to resume their authority and power; there will be an opportunity to inquire, if it shall be thought convenient, who sinned, with, and who against, their consciences; and their assessments, which were we uniformly rated by the Law of necessity, may be reduced to termes of more equity by those other lawes. But

Señ. 32.
Corruptio optimi est pessima.

(a) Cum vitiū virtus putatur, culpa sine meta cumulat, Greg. de Pastor. cur. l. 3. c. 1.

(b) Joh. 16. 2.

Fourthly, According to the Notion of that maxime in naturall Philosophy, that *The corruption of the best, is worst*, so are the miscarriages and errors of the best men, of worst consequence (in many cases.) The *digressions* of men religious, are many times worse, then the thorough *discourses* of other men. When conscience and concupiscence meet (as oft they doe in religious men) the conjunction is very fiery. It was the saying of Gregory long since, *When men conceive of sinne under the notion of a duty, there it is committed with an high hand and without feare.* (a) Nor ever was (nor is ever like to bee) the persecution of the Saints more grievous, then when those that shall persecute them, and put them to death, shall thinke that [therein] they doe God service. (b) So that whereas the objection in hand plead^r, on the behalfe of those Parliament men, who were religious, that they followed the light and dictate of their judgements and consciences, in complying with the King and his complices; the truth is, that though it may reasonably be thought so much the lesse sinful in them, if they did it upon such termes; yet was it a ground so much the more justifiable for the Army to proceed upon to the dis-interessing of them, as they did. For when religious men breake out of the way of righteousness and truth, with the renitency and obmurmuration of their judgements and consciences, it is a signe that their judgements and consciences are yet at liberty, and in a condition to reduce them. But when these are confederate with their lust, there is little hope of their repentance. But

Señ. 33.

Fifthly (and lastly, for this) whereas the objection intimates
some

some hard measure offered unto them, being men of conscience, and acting according to their judgements, the truth is, that I know not how the Army could walke towards them with a softer foot, to secure the liberties of the Kingdome, together with their owne lives and estates, against the menaces of their judgements and consciences, then they did.

A third grand Objection, wherewith some encounter that action of the Army, hitherto justified, is this: they therein (say these men) made themselves Covenant-breakers, and sinned against the Solemne Vow and Oath which they, or at least some of them, sware unto God *with hands lifted up to Heaven*, (if not with hearts also.) In this Covenant they promised and sware, that they would *endeavour with their estates and lives mutually to preserve the rights and priviledges of Parliaments*, whereas by that violent dismembring of the Parliament, they brake and trampled upon them. To this we answer (more briefly.)

Seet. 34.
The third
maine objection.

First, That most certaine it is, that it is no right or priviledge of Parliament to Vote or Act in opposition to the benefit and good of the Kingdome, and those who have intrusted them. It is impossible that any thing that is sinfull, should be the right or priviledge of any person, or society of men under Heaven. Therefore if the Army did nothing more, but onely restraints from acting in such a way, they did not herein violate a Right or priviledge of Parliament.

If it be replied, that though it be no *right or priviledge of Parliament* to Vote or Act contrary to their trust; yet it is a *right and priviledge* belonging to this house, that, in case any of the Members shall at any time so act, or vote, they should not be questioned, or suffer for so doing; at least not by any other power, but by that of the House it selfe onely; To this also I answer.

Seet. 35.

1. By concession, that this is indeed a *right and priviledge of Parliament*, taking the word *Parliament* in a due and proper signification; *viz.* for a Parliament consisting of a competent number of men not dead to their trust, who are in a capacity of faithfulness and integrity to discharge the office and duty of a Parliament, in endeavouring at least to relieve the pressures and grievances of the people, to protect their liberties, &c. It is the manner of the holy Ghost himselfe in the Scripture, frequently
to

to deny the common Name of things, to such particulars in every kinde, which are defective in those properties for use and service, which should be found in them, and which are found in other particulars of the same kind. Thus *Paul* expressly, *Hee is not a Jew which is one outwardly, neither is that circumcision which is outward in the flesh: But hee is a Jew which is one inwardly; and circumcision is that of the heart in the Spirit, not in the letter, &c.*^a So elsewhere: *when yee come together into one place, this is not to eat the Lords Supper*^b. This is not, &c. meaning, that as they went to worke, that which they did, deserved not the Name, of an eating of the Lords Supper. Therefore

^a Rom. 2. 28,

29.

^b 1 Cor. 11.

20.

Señ. 36.

2. By way of exception, I answer further, that if by *Parliament*, be meant any number of men whatsoever, chosen by the people into Parliamentary trusts, and sitting in that House, where Parliaments (truly and properly so called) use to assemble about the great affaires of the Kingdome, whether these men, or the major part of them, love the interest of the Kingdome, and be cordially affected to the liberties of the people, or no, I know no such *right or priviledge of Parliament*, as that specified. A *Parliament* that is unusefull and unserviceable for Parliamentary ends, is no more a *Parliament*, then a dead man, is a man, or a Virgin deflowered, a Virgin. And as a dead man hath no right or priviledge of a man (truly so called) belonging to him, unlesse it be to be so ordered & dealt with, that he may not be an annoyance or offence unto others: so neither doe I know any right or priviledge of a *Parliament* indeed appertaining to a *Parliament* politically dead, and which is not animated with a spirit of faithfulness to the publique, unlesse it be to be so entreated and handled, that it may not destroy the publique Interest, or endamage their Trustees (the people) in their liberties. It is a rule in Logicke; that an argument drawn from termes of diminution, is of no validity, or force. As for example, when a man is dead, it doth not follow; that because he is a dead man, therefore he is a man, or hath the properties of a man, as that hee is rationally, risible, or the like. By the reason which rules in this principle or maxime, our Saviour denies that inference of the Jewes, who argued themselves to be the children or seed of *Abraham*, because they were his carnall seede, or came from him according to the flesh. *If yee were Abraham's children* (saith hee to them) *yee would*

A terminis diminuentibus non valet argumentatio.

doe the workes of *Abraham* : implying, that because they did not the workes of *Abraham*, they were not his children [viz. in that proper and emphaticall sence, wherein the Scripture is ordinarily to be understood, when it speaketh of *Abrahams children*, and of the great promises and priviledges belonging to them.) In like manner the Apostle *Paul*, when hee speaks of the priviledges and blessednesse setled by promise upon *Abraham* and his seed, still understands the word, seed, not in that diminutive or equivocall sence, wherein it comprehendeth as well his carnall or wicked seede, as that of a more noble descent, but in that emphaticall, weighty, and appropriate sence, wherein it onely signifieth the children of *Abraham* indeed, i. spiritually such, and who resemble him in his faith and holinesse. See the Texts in the margent. After the same manner, when either the lawes or people of the Land, in their accustomed discourse, (and consequently the Solemn League and Covenant) speake of *rights and priviledges of Parliament*, they (doubtlesse) doe not take the word, *Parliament* in an equivocall and comprehensive sence, wherein it may be extended to any thing, which in any sence or consideration may be called a *Parliament*, but in an emphaticall & restrained sence, viz. as it signifieth a politicall body, consistory, or court of men, chosen by the people into *Parliamentary Trust*, faithfully prosecuting and discharging the import of the Trust committed to them. If this property be wanting in them, they are but a *Parliament* so called, not having the worth or consideration, whereunto such *Rights and Priviledges* which are called, *Parliamentary*, either according to principles of reason and equity, or according to the intention of the first Donors or founders of them, doe belong or appertaine. The premisses considered, evident it is, that the Army did not violate or breake any the *rights and priviledges of Parliament*, properly, or *Covenantly* so called, when they reduced the *Parliament* to the true nature, dignity, and honour of a *Parliament*, by secluding such Members from it, who altered the property, and turn'd the glory of it into a lie.

2. Be it granted, that the Army stood bound by their *Covenant and Oath*, to preserve the *rights and priviledges* even of such *Parliaments* as that was, which they divided, yet they stood bound also by the same *Covenant and Oath*, to such a duty or engagement, the faithfull application of themselves whereunto, in the

a John 8.39.

Gal. 3.7.9.16.
29.

Rom. 4. 13,
&c.

Seet. 37.

Cum duo
praecepta cō-
current, ma-
jus debet ser-
vari: In ipso
Decalogo,
cum videmus
duo inter se
praecepta cō-
fligere et alter-
um ab altero
impediri, il-
lud, quod le-
gis latoris ip-
sius sententiā,
videbitur esse
majus, praefer-
ri debet. Pet.
Mart. in Sam.
c. 21. 3.

the case in hand, did fairely both in the sight of God, and men, discharge them from that other obligation: even as the duties of circumcising, and of sacrificing, when the seasons appointed for them by the law, fell on the Sabbath, priviledged those from guilt in breaking the law of the Sabbath, who performed them on that day. It is a common rule avouched by the best of our Divines, and by the light of nature and reason it selfe, *that when two duties or commands meete in such a streight or exigent of time, that they cannot both receive that honour of observance, which belongs unto them, that which in the judgement of the Law-giver is the greater, ought to be observed, and the lesser to give place, for the time.* Now in that Covenant and Oath which the objection speaketh of, there are these two duties or engagements (amongst others) imposed upon those, who take it. 1. An endeavour to preserve the rights and priviledges of Parliament. 2. The like endeavour to preserve **THE LIBERTIES OF THE KINGDOME.** The Covenant in both these, as in all other particulars contained in it, the takers of it stand bound by the expresse teneur thereof (in the sixth Article) to promote according to their power against all lets and impediments whatsoever: and what they are not able **THE MSELVES TO SUPPRESSE** or overcome, they shall reveal and make knowne, that it may be timely prevented or removed: all this they shall doe as in the sight of God. Which last words (compared with the words mentioned from the third Article) cleerely import, that the Covenanters stand bound, to promote the liberties of the Kingdome against all lets and impediments even in Parliaments themselves, if any be found there: yea and further suppose, that they may **THE MSELVES SUPPRESSE** and overcome what they are able (*viz.* of whatsoever opposeth the intent & end of the Covenant, which doubtlesse, was the benefit and good of the Kingdome) especially when they know not where, or to whom to reveale or make knowne the obstructions they meete with, in order to any probable or likely prevention, or removall of them, in due time. Therefore if the duty of preserving or promoting the peace and liberties of the Kingdome, be greater, then that of preserving the rights and priviledges of the Parliament; and the Armie could not performe the former, without making such a breach as they did, upon the latter; evident it is, that in making this breach they are innocent and blamelesse. For the latter of these,

it is as cleare as the Sun from what was laid downe *Sect. 21.* that had not the Army interposed to such a breach of rights and priviledges, at is charged upon them, the peace of the Kingdome, had (in all humane likelyhood) been swallowed up in blood, and the liberties, in oppression and tyranny. Concerning the former, there is full as little, or rather lesse, question. That common maxime, which rules especially in politicall affaires, *Bonum quo communius, id melius*, the more common or extensive a good is, the greater or better it is, doth sufficiently confirme it. The preservation of the liberties of the whole Kingdome, is without all peradventure a greater duty, then the maintenance or preservation of the liberties or priviledges onely of a part of it; especially of such a part, which, for number, is inconsiderable. Besides, that which gives a kinde of sacred inviolableness unto the rights and priviledges of Parliament, is that typicall relation which they beare to the rights, priviledges, and liberties, of the Kingdome, and Common-wealth. Now types are alwayes inferiour to the things imported, and represented by them, as servants are unto their Masters; and when they occasion, or threaten any damage, to their anti-types, they may and ought so far to suffer a defacement, as the brazen serpent was beaten to powder by *Hezekiah*, when it occasioned Idolatry against him, whom it represented.

Thidly (and lastly) suppose there had beene no expresse clause in the Covenant, injoyning the preservation of the liberties of the Kingdome, as well as of the rights and priviledges of Parliament, yet had the Army a more then warrant sufficient to have stood up for the preservation of them, as they did, and that without any breach of Covenant. Men by the tenure of their very lives and beings, which they hold of the God of nature, their great Creator, stand bound to obey the Lawes of nature, and that against all other obligations or bonds whatsoever: yea the truth is, that all other obligations cease in the presence of this, all Lawes, Covenants, and engagements besides, being homagers unto it. Now there is no Law of nature that speaks more plainly, or distinctly, then this; that the strong ought to stand by the weake in cases of extremity, and danger imminent, especially when reliefe cannot reasonably be expected from other hands. Nor is it credible that either the Covenant-makers, or the Covenant-takers, did thereby intend, either in the generall, any dis-

Sect. 35.

Scire leges,
inquit Juris-
consulti, non
est verba ear-
um tenere,
sed vim ac po-
testatem, quia
prior atque
potentior est,
quàm vox,
mens dicentis.
Hug. Grot. in
Mat. 12. 3.

obligation from the Lawes of nature, or from duties, otherwise then by the said Covenant, lying upon men : nor in particular, any such *preservation of the rights and priviledges of Parliament*, which should be inconsistent with *the liberties of the Kingdoms*. and it is a common rule amongst Lawyers, for regulating the interpretation of Lawes, as likewise of all other Declarations of men by words, whatsoever ; that *the minde or intent of the speaker, is to be preferred before, and is more potent* [and consequently rather to be obeyed] *then his words.*

Nor doth the Act of the Army in that dissociation of the Parliament under debate, colour, or shadow (in the least) with the act of the King, breaking into their House, and demanding which, and how many of their Members he pleased, to be sacrificed upon the service of his will. For

First, It was more civility in the Army, to deny admission, or entrance into the House, unto those Members, whose sitting there they judg'd of desperate consequence unto the Kingdom, then it would have been, by force and violence to have pull'd them out from thence ; which was the Kings act, *in actu signato* (as the Schoole men distinguish) though not *in actu exercito*, the providence of God and men comporting to prevent this. And we know the old saying,

Turpius ejicitur, quàm non admittitur, hospes. i.

A guest we like not, 'tis more commendable

To keep, then cast, out from our doores and table.

Secondly, The Members which the King sought to lay hold of, and to disparliament, were such, who *THEN* were (or at least were so looked upon by him) as the greatest Patrons and Protectors of the Kingdoms Interest, and who, like the *cloudy and fiery pillar* of old, kept the *Egyptian* prerogative from coming at the *Israelitish* liberty, to destroy it. Whereas the Members, who were denyed the House by the Army, were turn'd Proselytes to prerogative, and had renounced the Law and Doctrine of the peoples liberties. Therefore

Thirdly (and lastly) the cleare tendency of the Act of the King, was the violation of the Law of nature, by seeking to advance the will and power of one, or of some few, above, and against, the peace and comforts of many, whereas the act of the Army held a *loyall* conformity with the *royall* Law. the face of it

being manifestly set to subject the power, interest and will of one, unto their lawfull Superiour, the just Interest or comfort of many. Therefore to goe about either to justify the Kings act, by the act of the Army, or to condemne the act of the Army, by the Kings, is as if I should undertake to prove, that the night is light some, because the day is so, or that the day is darke, because the night is so.

A fourth objection in the mouthes of some, against which they conceive the Army cannot be justified in the business in question, is, that all such actions are contrary unto, and condemned by the Lawes of the Land. But to this objection, at least to the weight and substance of it, we have already answered over and over; and particularly have asserted and proved, First, that all humane Lawes and constitutions, are but of a like structure and frame, with the Ceremoniall Lawes of old made by God himselfe, which were all made with knees, to bend to the Law of nature, and necessity. Secondly, That it is to be presumed, that the intent of all Law-givers amongst men, is, notwithstanding any, or all their Lawes seemingly commanding the contrary, to leave an effectua'l doore alwayes open for the common good, and in cases of necessity, to be provided for by any person, or persons, whatsoever. Thirdly, that all Lawes binde onely according to the regular and due intentions of the Law-makers. Fourthly, that the Lawes of nature, and necessity, are as well the Lawes of the Land, as those commonly so called. Fifthly, that when any two Lawes encounter one the other in any such exigent, or strait of time, that both of them cannot be obeyed, the Law of inferiour consequence ought to give place to that of superior, and the duty injoynd in this, to be done, though that required in the other, be left undone. We now adde,

Sect. 40.

The fourth grand Objection.

First, That we charitably suppose, that there is no such Law of the Land, which prohibiteth or restraineth any man, or sort of men, from being Benefactors to the publique; especially from preserving the publique liberties in cases of necessity, when they stand *in extremâ regulâ*, and are in imminent danger of being oppressed for ever, there being no likelihood of reliefe from any other hand. And if there be no such Law as this, there is none that reacheth the case of the Army, no not in the criticall or characteristickall circumstance of it.

Sect. 41.

Secondly, That in case there be any such Law as this, that it is a meere nullity, and the matter of it no more capable of the forme of a Law, i. of an obliging power, then tymbre or stone is capable of information by a reasonable soule, which according to vulgar Paylosophie, rather then the truth is, the proper forme of a man. The Lawes of nature and of common equity, are the foundation of all Lawes (truly and properly so called) and whatsoever vendicateth it selfe under the name or notion of a Law, being built besides this foundation, wanteth the essence and true nature of a Law, and so can bee but equivocally such.

Sec. 42.

(a) Non omnia scriptis, sed quædam, quæ perspicua sunt, tacitis exceptionibus caventur. Cicero. de Invent. l. 2.

(b) In legibus prohibitorijs plerunque verba latius patent, quàm mens ipsa legis. in Mat. 12. 3.

Ε'πανεροβολῶ
τὸ νόμον, ἢ ἐλ-
λενται διὰ τὸ
καθόλου.

Thirdly, If there be a Law, which maketh force, offered to Magistrates, or persons in Authority, in any kinde, or any interrupting or disturbing them in their way, punishable; yet neither doth this evince the act of the Army, we so much speake of, to have been contrary to the Lawes. The reason is, because it is the constant genius and manner of Law-givers and of Lawes, to lay down only the general rule, and to conceal the exceptions; which they still suppose, are, or may be. Now the exception doth not breake the Rule, nor is it properly contrary to the rule, I meane, so as to evince a nullity, or crookednesse in it, onely it is not comprehended within the verge or compasse of the rule. *All cases* (saith the Roman Oratour and Statelman) *are not provided for by written Lawes, but onely those which are plaine, the exceptions being left out, or omitted.* (a) Consonant hereunto is that of Grotius: *In Lawes prohibitorie* (saith he) *the words are commonly larger, then the minde or intent of the Law.* (b) Upon which occasion, that vertue, which the Grecians call *ἐπιεικεία*, we, *Equitie*, appears to be most necessary in a Judge, or any other, to whom it shall appertaine to expound Lawes; the property hereof being (as Aristotle long since observed) *to rectifie* [or right state] *the Law, where it is defective, thorow the generality of it.* By *rectifying the Law*, he meanes nothing else, but a limiting and restraining the binding force of it to cases intended by the Law-makers; together with an exemption of such cases from it, which upon grounds of reason and equity it may be conceived never were intended by them to be concluded in it. So that in some cases to presse and urge the rigorous extent of the letter of the Law, is to turne the waters of the Law into blood,

blood, and to overturne the true intent and meaning both of the Law, and Lawgiver, at once. Such urgings and pressings of Laws without due limitation, gave occasion to that Proverbiall say-

ing in *Tullie*; that *the Highest justice, is the Highest injustice*. And the Imperiall Law it self makes him no better, then a transgressor of the Law, *who fraudulently abuseth the sterner prerogative of words contrary to the sense and meaning of the Law*. And elsewhere: *no reason of Law, or fairenesse of equity will induce it, that*

thorough hard constructions [of words] we should turne those things against the benefit of men, which were wholesomely brought in [amongst them] for their profit and good. (b) Doubtlesse they stumble at this stone, who pretend to finde any such Law amongst the Lawes of the Land, by which the Army should be denied a liberty, or lawfulnessse of power to secure the peace and liberties of the

Nation, by such a method and course, as they steered, necessity lifting up her voyce, and crying unto them with such importunity, to doe it. For (as the afore-named *Grotius* well observeth) amongst all the exceptions, which are tacitly included in Lawes, there is none, either more usually, or more justly admitted, then that which ariseth from necessity. (c) By what we have argued, and related from learned and judicious men in this point, evident it is, both by the light of reason, as also from the testimony of ver- ry competent witnesses, that whatsoever the Lawes of the Land be, the Army could be no transgressors of any of them in stand- ing up, and interposing as they did, to vindicate the publique liberties of their Nation, in such a case of necessity, as that be- fore them.

A fift Objection, wherewith some strengthen and comfort themselves against the deportment of the Army, hitherto justi- fied, is this. The example of the fact must needs be of very dan- gerout consequence to the Kingdome. For by the same reason, and upon the same account, that the Army opposed the present Magistracy, and proceedings of the publique affaires amongst us, any other party of men, making, and finding themselves strong enough for the undertaking, may at any time attempte the

Summum jus, summa injuria.
Idem facit, ac is qui legem trans- greditur, qui favâ verborum prerogativâ fraudulenter contrâ juris sententiam abutitur. Cod. 1. tit. 1. le. 5.

(b) Nulla juris ratio, aut aequi- tatis benignitas patitur, ut quæ salubriter pro hominum utilitate introducuntur, ea nos duriore interpretatione, contrâ ipsorum commodum producamus ad se- veritatem. Digest. l. 1. tit. 3. de leg: leg 24. Sect. nulla.

(c) Inter om- nes autem ex- ceptiones, quæ tacite insunt legibus, nulla est aut justi- or, aut recep- tior, quàm ea, quæ fluit ex necessitate. Hag. Grot. u- bi supra.

Self. 43. The fift great Objection.

the like disturbance, and confusion : and so the Kingdome shall be alwayes in danger of the like combustions and broyles. I answer,

First, That the lawfulnessse or goodnesse of an action is not to be measured or judged, by what *may* follow upon it, by way of sequell or event, but by what is *like* to follow upon it, and this not by accident, or by misconstruction, but according to the native tendency, proper ducture, and inclination of it. It is wittily said by one, that *he that goeth about to read the badnesse, or goodnesse of an action by the event, holds the wrong end of the booke upward.* Christ did not amisse in giving a sop to *Judas*, though presently upon the receiving of it, the *Devill* entred into him, and prevail'd with him to betray him very suddenly. Nor would it argue any thing amisse in what the Army did, though never so many troubles, and tumultuous risings of people should breake out upon pretence of it. The reason is, because, as the grace of God it selfe, though a thing of most incomparable sweetnesse and worth, may neverthelesse be (yea, and daily is) *turned into wantonnesse*, and much sin and wickednesse occasioned by it in the World; so, and much more, may the 'most worthy actions and services of men, bee compelled to pretence the worst and vilest deedes that lightly can bee perpetrated. Therefore,

Sect. 44.

Secondly, Suppose the Army should have apprehended, not onely a possibility, but even a probability, that that fact of theirs we speake of, would beget out of its owne likenesse, and occasion disturbances of quite another genius and spirit from it selfe; yet might it have been sinfull and unworthy in them notwithstanding, to stand still, and not to have acted as they did. The reason is, because when seed-time is come, men must not *observe the windes*; nor regard the clouds, when it is time to reape. As men must not doe evil, that good may come of it, so neither must they forbear the doing of good, because evil may come of it. Men are bound to sow the seed of good actions, though they had some cause to feare that an increase of Dragons would spring from it. But,

Sect. 45.

Thirdly, That no action of any bad consequence to the Kingdome, can truly plead legitimacy of descent from this of the Army, is evident thus. Where there is not a concurrence of the same

same circumstance (I meane, either formally, or equivalently the same) there can be no place for exemplarinesse, or likenesse of action. And when there is, or shall be, the like politicall constellation with that, under which the Army acted, the like action cannot in the direct and native tendency of it, be of any ill consequence to the Kingdome. The killing of a man by *Titius* being assaulted, and in his owne defence, is no ground, so much as in colour or pretence for *Sempronius* to slay a man travelling peaceably by him on the way.

Fourthly, Nor is it like, that the action of the Army wee speake of, should by any back-doore of misconstruction whatsoever, let in milchiefe or disturbance into the Kingdome; considering that it was performed and done, in due order to such a provisionall settlement of affaires in the Kingdome, that as far as is possible, there may, neither occasion be given, on the one hand, nor opportunity left, on the other, to any party or number of men, to attempt any interrupture, distraction, or disturbance therein. Therefore, to pretend or plead, that the said action of the Army, is like to cause future trouble or disturbance in the Nation, is as if a man should say, that to build an house strong, wals, doores, and windows, were of dangerous consequence to invite theeves to assault, and break into it.

Sett. 46.

Fifthly (and lastly) The action of the Army is not disparageable by any possibility or likelihood of evill, that it may occasionally bring upon the Kingdome afterwards, more then the preservation of a man from imminent death is reproveable, because by it he is occasionally exposed to dye another time: They who conceive that it had been better for the Kingdome, and more conducing to the peace of it in after times, that the Army should have sate still, and not interpose, as they did, argue at no better rate of reason, then I should doe, in case I should perswade my friend being dangerously sick, not to use the helpe of a Physitian for his recovery, because in case he did recover, his recovery might prove a probable occasion of more sicknesse unto him afterwards.

Sett. 47.

— *Quis furor est, ne moriari, mori? i.*

What madnesse is't, through feare of future death,
To wish my selfe depriv'd of present breath?

If the Army had not applyed that plaister of Steele to the boyle, or plague-fore of the Kingdome, which they did, there had been little, or no hope of the recovery thereof, from that politicall death, the symptomes whereof, had so strongly seized the vitall parts of it. So that though the cure, in proccesse of time should prove an occasion of a relapse, or bring the like distemper againe upon it; yet, as *Hezekiah* was not without cause thankfull unto God, who made an addition of fiftene yeares unto his life, after his sicknesse unto death, though this addition did not excuse him from dying afterwards. So shall the people of the Nation have just cause of thankfulnesse unto the Army for those dayes of freedome and peace, be they fewer, or be they more, which they shall enjoy, though slavery and oppression should returne upon them afterwards like clouds after the raine.

Sett. 48.
The sixth main
Objection.

Another Objection, deemed by some impregnable, and above answer, is framed by way of inference from *Rom. 13. 1, 2.* *Let every soule be subject to the higher powers ——— Whosoever therefore resisteth the power, resisteth the Ordinance of God: and they that resist, shall receive to themselves damnation.* From hence the Army are concluded Transgressors, and liable to condemnation, because they resisted the higher powers; and therein, the Ordinance of God. But with this Objection we are not behinde hand, having given a sufficient answer unto it already, the substance of it being nothing but what the second Objection offered. Notwithstanding because we desire to give heaped measure of satisfaction, especially to such arguments, which pretend to the Scriptures; we thought it not amisse to lay the words themselves before you, out of which the objection is fram'd, and so to give in the surplussage of a further answer unto it. Therefore

(a) *Secundò igitur distinguendum inter potestatem ipsam, & potestatis abusum: eam, non autem hunc, ordinavit Deus. Imò non magis ab eo probatur abusus potestatis legitimæ in uno tyranno, quàm potestas illegitima in altera.*

1. We answer, by distinguishing (with the Ministers of Scotland, in their brieve *Theses de Majestatis jure*) betweene the power of Magistrates, and the abuse of this power. The power (say they) is from God, and so his ordinance, but not the abuse of it. *Tea, bee no whit more allowes the abuse of a lawfull power in one Tyrant, then [the use of] an unlawfull power in another.* So that if it were the abuse only of a lawfull power, which the Army resisted, they resisted

sted no Ordinance of God, nor are they, for such an act, made liable to any *condemnation* by the Scripture mentioned. Now that it was not any *power*, but the *abuse of power*, which the Army *resisted*, hath been more then once, clearly enough evi~~de~~nted in this Apologie; and is further evidenced from hence; no other *power*, but that which is Parliamentary, can be pretended to have been *resisted* by them, in that act so often mentioned. But that they did not *resist* this *power*, but the *abuse* of it onely, appears; 1. Because this *power* remains at this day quiet and undisturb'd, in the midst of them. Yea 2. Their great care and desire is, to settle this *power* upon better terms for the due government of the Nation, then those, on which it hath been continued hitherto.

If it be said, that that the Parliamentary *power* now in being, is no lawfull *power*, because it is under force; I answer, 1. that it is no more under force, then it was, whilst all the Members now secluded, had free liberty to sit and vote in that House. The same Army, which is now pretended to over-awe, or keep under force the present Parliament, was as neer, and did as much to the Parliament then, in matter of force or awe, as now it is, or doth. Therefore if it were a lawfull *power* then, it is no lesse lawfull now. 2. Nor is the Parliament at this day under any more force, by reason of the Army, then it was for the space of about two years together before, by reason of the continuall tumultuous engagements and practices, both in City and Countrey. Nay 3. I verily believe, that if the Members of Parliament now sitting, would please to declare themselves upon the point, they would acknowledg and confesse, that they are as free from force, or feare (at least in respect of the Army) now, as they have beene at any time since their first meeting in their House. But to the maine objection in hand, I answer.

2. The ordinance of God in Magistraticall power, being the adequate foundation, upon which that *subjection*, or obedience, which he requireth, of men unto it by his command, is, and ought to be built; evident it is, that this *subjection* is not commanded or required to this *power*, beyond the ordinance of God in it; i. unto any act, or injunction of men invested with this *power*, which swerveth from, especially which opposeth, this ordinance of God (in the end and intent of it.) Now the end and intent of the ordi-

Se~~ct~~. 49.

Se~~ct~~. 50.

nance of God in magistraticall power; being (as the Apostle cleerly asserteth, *vers. 4.*) the good of those that are subject to it [*For he is the Minister of God to thee, for good*] it is evident yet further, that there is no *subjection* commanded by God unto any *higher power*, further, or otherwise, then they act and quit themselves in a due order and proportion to the good of men. And where *subjection* is not commanded, *resistance* is not prohibited; and consequently, is not unlawfull. *For where there is no law, there is no transgression.* Therefore if those *higher powers*, the *resistance* whereof the objection chargeth upon the Army, were found acting, and apparantly bent to act on, in a way of manifest prejudice and opposition to the good of those from whom they expected *subjection* (which I presume, is little questionable to him; that hath read and weighed the premisses) and consequently, quite besides the end and purport of the *ordinance of God*, the Army, in that *resistance* which they made against them, transgressed no law, or precept of God.

Nor doth it follow from any thing that had been said, that a Magistrate for every error in the administration of his power, may be deposed from his place of Magistracy by any party of men: but this is that, which only followes, that, when the supreme Magistracy of a Kingdome shall be so farre, whether blinded in judgement, or corrupted in affection, that such counsels and actions put forth themselves in them from time to time, which are apparantly detrimental and destructive to the generall and great interest of the due liberties of the people, reasonable security may be taken of them by any party of this people, having the opportunity, and all others wanting it, that they shall proceed and act no further in such a way.

3. (And lastly) that *resisting the ordinance of God in the Higher Powers*, which the Apostle (in the Scripture in hand) condemneth, is not a deteyning of men in Authority, though with a strong hand, from doing mischief in their places; but either (as was formerly said) a refusing obedience unto their lawful commands or awards: or rather a plotting or attempt-making to shake off the yoke of all obedience unto civill Magistracy. Calvin upon the place seemes to incline to the latter; *Plazm*, unto the former, whose words are these: *Yet every disobedience is not to be in-*

med rebellion, or resistance; but only that, which out of malice is practi-
 sed, or admitted, contrary to the lawes, by those, who refuse to satisfie
 the law, by suffering such punishment, as they have deserved^a. If ei-
 ther of these interpretations of the place be admitted, certain it
 is, that it reflects no bad colour at all upon the action of the Ar-
 my; who neither refused obedience in what they did to any
 command (much lesse to any lawfull command) of their Superi-
 ours, nor yet declin'd the giving of satisfaction unto the lawes,
 by refusing to suffer any punishment, which they had deserved.
 Pareus layes downe this position upon the place, and maintaines
 it by argument; viz. *That it is lawfull for subjects, though meere*
private men, in case a Tyrant shall assault or set upon them, as Thieves
use to doe, and offer them violence, in case they want opportunity to
implore the ordinary power for their reliefe, and can by no other means
escape the danger, to defend themselves and theirs, in the case of present
danger, against this Tyrant, as against a private robber upon the high
way^b.

But concerning the true sence of the place, Calvin's apprehen-
 sions are of best comportance with the words; which properly
 and primarily speake of magistraticall power or Authority in the
 abstract, and this under such a circumscription and considerati-
 on onely as it proceeds from, and is authorized by God, and not
 of the persons of Magistrates at all, otherwise then they admini-
 ster this power in a regular and due order to the end intended
 by God in it, which is (as hath beene shewed from vers. 4.) the
 good of those, that live under it. First, he doth not say, *let every*
soule be subject to the higher Magistrates, but, to the higher powers.
 2. Nor doth he say, *There is no Magistrate, but of God; but, there*
is no power but of God. Nor 3. doth he say, *the Magistrates that are,*
but, the powers that are, are ordained of God. Nor 4. *Whosoever as-*
sisteth the Magistrate, but, whosoever resisteth the power, resisteth the
ordinance of God: and they that resist [viz. the power, not the person]
shall receive to themselves damnation, 5. He demands, *Wilt thou then*
not be affraid of the power? not, of the Ruler or Magistrate. Chry-
 sostome takes speciall notice of these expressions, and thereupon
 commentarieth the place, thus: *What sayest thou [Paul] Is then e-*
very Ruler ordeyned by God? No (saith he) I say not so: nor doe I now
speake of particular Rulers, or Magistrates, but of the thing [or,
 matter]

a Non quævis
 tamen in obe-
 dientia, dicen-
 da est rebel-
 lio, vel resisten-
 tiæ sed ea so-
 lum, quæ con-
 tra leges, ex
 malitiâ admi-
 nistratur ab ijs,
 qui per poenâ
 commercium
 legibus satis-
 facere detre-
 ctant.

Seet. 53.

b Subditis ta-
 men merè pri-
 vatis, si tyran-
 nus tanquam
 latro et grassa-
 tor, aut stupra-
 tor, in ipsos
 faciat impetû,
 et ipsi nec po-
 testatem ordi-
 nariam implo-
 rare nec aliâ
 ratione effu-
 gere periculû
 possint, in pre-
 senti periculo
 se et suos con-
 trà tyrannum,
 sicut contrâ
 privatum gras-
 satorem de-
 fendere licet.

matter] is selfe [i. of the order, or power of ruling] For that
there should be powers [or Magistracy] and that some should rule,

(a) Τί λέγεις, πῶς οὐκ ἄρχουσιν
ἐπὶ τῆς θύης καὶ χειρὸς τῶν ἡγετῶν, οὐ
τὸ τοῦ λέγοντος, ἐπὶ τῆς θύης τῶν
καθ' ἑαυτοὺς ἀρχόντων ὁ λόγος μου
οὐκ ἔστιν ἄλλος, ὡς αὐτὸς τὸ πνεῦμα
τῷ. Τὸ γὰρ ἄρχαι· εἶναι καὶ, πῶς
μὴ ἄρχουσιν, τὸς δὲ ἄρχουσιν, καὶ
μὴ ἀπλῶς καὶ ἀνέγνω ἀπαντα
φέρεται, ὡς καὶ κυμάτων τῶν
καὶ οὐ τῶν ἡμεῶν ἀναμνηστικῶν,
τῆς τῆς θύης σοφίας ἔργον εἶναι
φημι.

and some be ruled, and that all things should not
runne loosely and hand over head, or the people bee
like the waves [of the Sea] carryed hither and
thither, I affirme it to be the worke of the wisdom
of God. (a) Pareus himselfe likewise carryeth
the words directly to the same point: Hee
names powers (saith hee) rather then Kings,
Princes, &c. because he would bee understood to
speake, not so much of the persons, as of the order
[or ordinance it selfe of ruling] For in the per-
sons [of Rulers] vice oft times, and causes of
not obeying, are found: therefore he would have

(b) Vocat autem
potestates
potius, quam
Reges, Principes,
&c. ut
non tam de
personis,
quam de ordi-
ne ipso loqui
intelligatur.
Nam in perso-
nis saepe sunt
vitia & causa
non obedi-
di: ideo à per-
sonis discerni
vult potesta-
tes.

the powers, so be differenced from the persons. (b)

It is true, the Apostle names Rulers, ver. 3. where he saith,
Rulers are not a terror to good workes, but to the evill: And ver. 4.
of the Magistrate or Ruler he saith, that hee is the Minister of
God to thee for Good; and afterwards, that he is a revenger to ex-
ecute wrath upon him that doth evill, But evident it is, that in
these passages, hee speakes of Rulers and Magistrates not simply,
or at large, but under the precise consideration of persons exer-
cising the power, which they have received, in a due subordi-
nation unto God, and with a single eye to the procurement of
that good, which God intended unto those, who are to obey,
in his ordination of such powers. So that nothing can be more
cleere, then that the adequate scope of the Apostle, in the Scrip-
ture before us, was to perswade Christians to owne, and to sub-
ject themselves unto, civill Authority, as the ordinance of God,
so farre, and in such cases, as it should be administred by the per-
sons invested in it, in a regular and due proportion to the be-
nefit and good of those. i. of those communities of men re-
spectively, who live under them, and from whom obedience and
subjection are, upon such an account, due unto them. This sup-
posed, we may safely, and without the least occasion of scruple,
conclude, that there is nothing applyable in the Scripture in
hand, to the ease of the Army hitherto argued; unlesse (haply)
it should be supposed (and the supposition will not be altoge-
ther

See. 54.

ther without ground) that the Apostle enforcing subjection unto civill Authority, meerely as, or because, *the ordinance of God*, and as administred according to the gracious intentions of the founder and ordainer of it, tacitly, and in a consequentiall way, implyeth a liberty in men to decline this subjection, when the administrations of it are irregular, and the gracious intentions of God violated in them. For in many cases, when an action is pressed in the nature of a duty, upon a speciall consideration or ground, the consideration failing; the action loseth the nature and relation of a duty. Now if this supposition be admitted, it is a cleare case, that the Scripture under debate, is altogether with, and not at all against, the Army.

I know nothing of moment, that can be opposed against the lawfulnessse of the action, hitherto apologized and justified in these papers, beyond what hath been already bought and sold (I meane, urged, and answered) at sufficient rates. The lawfulnessse of the action we speake of, being supposed, the honour and worth of it are of much more easie demonstration. For what better favour can a Christianly-heroique Spirit spread abroad of it selfe, then when men shall put their lives in their hand, and in this posture stand up to take Lyons by the beards, when they are ready to teare in peeces, and devour the Sheepe of the fold? to attempt the wresting of an Iron Sceptre out of those hands, which were now lifting it up to breake a poore Nation in peeces *like a potters vessell*? What the Army hath done in this behalfe, calleth to minde the unparalieleable example of the Lord *Jesus Christ*, blessed for ever, who *descended into the lower parts of the Earth*; went downe into the chambers of death, from thence to bring up with him a lost World. It was the saying of *Plato*, that to doe good to as many as we can, is to be like unto God. But to doe good to as many as we can, as well enemies, as friends, by an exposall of our owne lives unto death for the accomplishment of it, is a lineament of that face of divine goodness, which *Plato* (it is like) never saw. It was the manner of almost all Nations (as the *Roman* Orator observeth) to place the Assertors of their Countries liberties, next to the immortall Gods themselves, at the Table of honour. And I make no question, but when the Inhabitants of this Nation shall have dranke

Sect. 55.

Τὸς πλεῖστον
ἐν πολεμῶν, ἐστὶ
πρὸς θεῶν ὁμοί-
ωσιν.

matter] is selfe [i. of the order, or power of ruling] For that
 there should be powers [or Magistrary] and that some should rule,
 and some be ruled, and that all things should not
 runne loosely and hand over head, or the people bee
 like the waves [of the Sea] carryed hither and
 thither, I affirme it to be the worke of the wisdome
 of God. (a) Pareus himseife likewise carryeth
 the words directly to the same point: Hee
 names powers (saith hee) rather then Kings,
 Princes, &c. because he would bee understood to
 speake, not so much of the persons, as of the order
 [or ordinance it selfe of ruling] For in the per-
 sons [of Rulers] vice oft times, and causes of
 not obeying, are found: therefore he would have

(a) Τί λέγεις, πᾶς δὲν ἄρχων
 ὡς τὴ θεῶ κατεργάζεται; οὐ
 τὴν το λέγει, οὐκ ἔστιν ὡς τῶν
 κατεργασθῶν ἄρχωντων ὁ λόγος μοι
 νῦν ἀλλὰ ὡς αὐτῶ τῶ θεογυμα-
 τῶ. Τὸ γὰρ ἄρχαι εἶναι καὶ, ὡς
 μὲ ἄρχων, τῶς δὲ ἄρχων, καὶ
 μὴ δὲ ἀπλῶς καὶ ἀνέκω ἀπαντα
 φέρεται, ὡς περ κυμάτων τῶς
 καὶ σὺ τῶν δυνάμεων ἀεὶ ἀρμένων,
 τῶς τῶ δὲ σοφίας ἐργον εἶναι
 φημι.

(b) Vocat autem potestates
 potius, quàm
 Reges, Principes, &c. ut
 non tam de
 personis,
 quàm de ordi-
 ne ipso loqui
 intelligatur.
 Nam in perso-
 nis sæpe sunt
 vitia & causa
 non obedi-
 di: idèd à per-
 sonis discerni
 vult potesta-
 tes.

Secl. 54.

the powers, to be differenced from the persons. (b)

It is true, the Apostle names Rulers, ver. 3. where he saith,
 Rulers are not a terror to good workes, but to the evill: And ver. 4.
 of the Magistrate or Ruler he saith, that hee is the Minister of
 God to thee for Good; and afterwards, that he is a revenger to ex-
 ecute wrath upon him that doth evill, But evident it is, that in
 these passages, hee speakes of Rulers and Magistrates not simply,
 or at large, but under the precise consideration of persons exer-
 cising the power, which they have received, in a due subordi-
 nation unto God, and with a single eye to the procurement of
 that good, which God intended unto those, who are to obey,
 in his ordination of such powers. So that nothing can be more
 cleere, then that the adequate scope of the Apostle, in the Scrip-
 ture before us, was to perswade Christians to owne, and to sub-
 ject themselves unto, civill Authority, as the ordinance of God,
 so farre, and in such cases, as it should be administred by the per-
 sons invested in it, in a regular and due proportion to the be-
 nefit and good of those. i. of those communities of men re-
 spectively, who live under them, and from whom obedience and
 subjection are, upon such an account, due unto them. This sup-
 posed, we may safely, and without the least occasion of scruple,
 conclude, that there is nothing applyable in the Scripture in
 hand, to the ease of the Army hitherto argued; unlesse (haply)
 it should be supposed (and the supposition will not be altoge-
 ther

ther without ground) that the Apostle enforcing subjection unto civill Authority, meerely as, or because, *the ordinance of God*, and as administred according to the gracious intentions of the founder and ordainer of it, tacitly, and in a consequential way, implyeth a liberty in men to decline this subjection, when the administrations of it are irregular, and the gracious intentions of God violated in them. For in many cases, when an action is pressed in the nature of a duty, upon a speciall consideration or ground, the consideration failing, the action loseth the nature and relation of a duty. Now if this supposition be admitted, it is a cleare case, that the Scripture under debate, is altogether with, and not at all against, the Army.

I know nothing of moment, that can be opposed against the lawfulnessse of the action, hitherto apologised and justified in these papers, beyond what hath been already bought and sold (I meane, urged, and answered) at sufficient rates. The lawfulnessse of the action we speake of, being supposed, the honour and worth of it are of much more easie demonstration. For what better favour can a Christianly-heroique Spirit spread abroad of it selfe, then when men shall put their lives in their hand, and in this posture stand up to take Lyons by the beards, when they are ready to teare in peeces, and devour the Sheepe of the fold? to attempt the wresting of an Iron Sceptre out of those hands, which were now lifting it up to breake a poore Nation in peeces like a potters vessell? What the Army hath done in this behalfe, calleth to minde the unparalelable example of the Lord *Jesus Christ*, blessed for ever, who *descended into the lower parts of the Earth*, went downe into the chambers of death, from thence to bring up with him a lost World. It was the saying of *Plato*, that to doe good to as many as we can, is to be like unto God. But to doe good to as many as we can, as well enemies, as friends, by an exposall of our owne lives unto death for the accomplishment of it, is a lineament of that face of divine goodness, which *Plato* (it is like) never saw. It was the manner of almost all Nations (as the *Roman* Orator observeth) to place the Assertors of their Countries liberties, next to the immortall Gods themselves, at the Table of honour. And I make no question, but when the Inhabitants of this Nation shall have dranke

Sect. 55.

Τὰς ΠΙΛΗΣΑΣ
 ΕΥ ΠΟΙΕΙΝ, ΕΣΤΙ
 ΤΩ ΘΕΩ ΟΜΟΙ
 ΟΝΤΑ.

4
a while of the sweet waters of that Well of liberty, which the Army have dig'd and opened with their Swords, after it had been for a longtime stop'd and fill'd up with earth by the *Philistims*, they will generally recover that Malignant feaver, which now distempereth many of them, and be in a good posture of sobriety and strength to *rise up early*, and call their Benefactors, *Blessed*. However, the good will of him that dwelt in the *Bush*, be upon the head of such Warriors, who pursue that blessed victory of *overcomming evil*, by doing good; and according to the method of the warfare of Heaven, seeke to *reconcile* a Nation *unto themselves*, by *not imputing* their unthankfulnesse, or other their evill intreaties unto them, but in the midst of their owne sufferings from them, *set themselves with heart and soule* to set them at liberty from their Oppressors.

F I N I S.
